

SPEAHRhead

BULLETIN of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS

Many of Taiwan's leading democrats are now serving prison terms because of their involvement in a 1979 human rights demonstration. The government insists that they advocated political violence, but recordings of the rally's speeches were not allowed as evidence at the trials.

Are these men and women the lawless elements the Chinese Nationalists claim them to be, or peaceful advocates of democracy based upon respect for human rights? Our readers can judge for themselves by reading the transcript of

The Kaohsiung Tapes

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SPEAHR seeks to advance the cause of human rights in China, Taiwan, Mongolia, North and South Korea, and among the Asian Ethnic minorities in the Soviet Union.

We view the struggle to promote human rights as virtually synonymous with the struggle to promote non-violence. Our conception of non-violence is a broad one. It is as violent to permit people to starve as it is to torture them. It is as violent to imprison people because of their beliefs as it is to kidnap them for ransom.

We are confident that the best solutions to the many social and economic problems will emerge from within these societies, once the various political groups interact non-violently—i.e., respect each other's human rights. We are convinced that ruling groups waste much of their nation's resources and human energy when they attempt to eliminate dissent. And when a particular social policy is adopted simply because its advocates enjoy the preponderance of force, there is no reason to believe that the policy is more desirable than alternative policies for the people affected. Only when the issues are debated by a public with access to a range of ideas and information, do we have some reason to hope that the more socially advantageous paths will be followed by those in authority.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the General Assembly of the United Nations proclaimed this declaration as "a common standard of achievement for all peoples and all nations."

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country,

including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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EDITORIAL: Kaohsiung Revisited

We present in this issue the transcript of tape recordings made at Taiwan's Human Rights Rally of December 10, 1979. Our translation is complete; we have not edited out the various partisan political statements, even though they deal with issues on which we, as human rights advocates, take no position. We endorse only the human rights aspects of speeches, and the right of the speakers to express themselves on any subject. This latter right is essential—however embarrassing various remarks may be to a government.

Of course, there are other rights, including the right of everyone not to be assaulted. The reader is urged to study the transcript carefully to determine who were the villains on this count at Kaohsiung. For our part, we are convinced that the police and the authorities directing them are largely responsible for the violence which broke out. We are also convinced that the government has greatly exaggerated the extent of injuries to the police, and we have reason to believe that it is not telling the truth when it says that no civilians were injured. (For further information and two conflicting views on this subject, see letters to the editor in *SPEAHRhead* 6/7.)

There is also another right at stake, one that often is neglected in discussions of human rights. We refer to the right of the *public* to be able to learn about the real issues facing society. As the UN's Universal Declaration of Human Rights puts it, "Everyone has the right . . . to . . . seek information and ideas through any media" (Article 19). In Taiwan, as in most of East Asia, we see the central problem as one of censorship. The imprisonment of the Kaohsiung Eight and other activists was done for this basic reason: to prevent their ideas and understanding of the issues from reaching the public at large.

But the leadership is misguided if it thinks that only the *public* is affected by censorship. As is almost always the case, no one is more victimized by censorship than the censors themselves. They tend to be influenced by their own propaganda more than the intended targets are, and come to have a distorted view of reality. For example, twenty years after China's break with the Soviet Union, Taiwan's premier still refers to Peking as a "puppet" government (26†29F80). Such thinking has underlain his regime's claim to be the "Republic of China," which in turn has caused nearly every government in the world to derecognize it. Had Taipei been forced by a free press to face the absurdity of its position, Taiwan would now be a respected member of the family of nations. Unfortunately, when someone like Ms. Lu Hsiu-lien eloquently exposes Taipei's foreign policy as hopelessly out of touch with reality (see page 21) the government's response is a long prison sentence. Most of the speakers at Kaohsiung have been treated in this manner (see Epilogue, page 25).

Like most of East Asia's rulers, the Chiang family has tended to resort to political violence of this sort when too many people began to conclude that it did not have reason on its side. The government's reaction to the Kaohsiung affair is another unfortunate example of this.

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My Beloved Husband

By CHOU CH'ING-YU

Lawyer Yao Chia-wen did much to try to modernize Taiwan's legal system, in particular working to see that more legal services were delivered to the poor (see SPEAHRhead 4/5, page 6). In the end, however, Yao was defeated by the very "legal system" which he had sought to lead out of its primitiveness. A participant in the 1979 human rights demonstration, he is currently serving a twelve-year prison sentence.

Mr. Yao is married to Chou Ch'ing-yu, who has had a distinguished career as a psychiatric social worker. In December she was a candidate for National Assembly. She won 153,602 votes, more than any other candidate for any office anywhere in the island. Although she was forbidden to discuss the matter, the real issue in the campaign was the imprisonment of democratic activists such as her husband.

Remarks in square brackets, and notes, are supplied by SPEAHR.

Before, when Yao Chia-wen's name was mentioned, people would think of that "famous old lawyer." Actually he is just 41 years old. He was born in a poor village called Yuch'e, in Changhua County. Of his twelve brothers and sisters, only nine have survived. Yao is the oldest son, having one older sister. Being the oldest son, Yao was used to looking after his siblings and helping around the house. With so many brothers and sisters, he once described his youth as a time when he always had one kid on his back and another on his lap, while one hand rocked the cradle and the other held a book.

This is how Yao Chia-wen went all the way through school. He eventually graduated from Changhua Business School. Yao once happily quipped that although his Mandarin wasn't perfect, it was the best in the countryside. One day he went to the city of Changhua to represent his school in a Mandarin speaking contest. In order to present a respectable appearance, Yao had to borrow shoes from his more affluent classmates to avoid having to give his speech in his bare feet!

Yao is a man who is willing to take on responsibility, suffer without complaint, and accept his fate.

His brothers and sisters have grown up now, finished school, married and have children and careers, thus lessening the family burden. When I see his brothers and sisters treat him with the great respect that they do, and see his parents' satisfaction, it fills me with pride.

After Yao graduated from Changhua Business School, he took the entry-level government examination, getting the highest score. He took a job with the Telephone and Telegraph Bureau. Later he served in the Navy doing a three year stint. In 1962 he passed the college entrance examination, winning his first choice of studies, the Law Department of National Taiwan University.

The same year, I myself entered the sociology section of National Taiwan University's Legal Studies Institute. At the time, the Legal Studies Institute had a Social Science Discussion Committee, comprised of a few representatives from

each field of study. At their regular meetings, recent developments and recent research in various academic disciplines would be introduced and discussed. Everyone was serious, and eager to learn. Members of that committee have since all become well known and accomplished teachers, scholars, and social workers here and abroad.

Yao Chia-wen was selected as committee chairman and I was made secretary. Because of our committee work, we saw a lot of each other. During this period I discovered that Yao understood many things that I had not.

While attending college, Yao Chia-wen worked full time. He went to class during the day, working nights and weekends at the telecommunications office. He also had to help maintain his family. He once wrote a short essay, "The Twenty-five Hour Day," which was published in the *National Taiwan University News*. The essay expressed his wish to have an extra hour each day to take a breather, watch a movie, go on a picnic with classmates, or find a girl friend. Although his life was tough, he still enjoyed extracurricular reading on such subjects as ancient and modern history, geography, literature, and law.

Yao came from a rural vocational school that lacked basic courses in English. Entering Taiwan National University as a working student, a difficult task at best, he nonetheless headed the list of incoming students, winning the Book Award. This was somewhat surprising to me because I not only came from a good school, but, inasmuch as I labored under no economic pressures, had plenty of time to master each day's assignments. So I could never understand why I could not ever win the Book Award. Little did I realize that "unlucky I" would one day become Mrs. Yao Chia-wen!

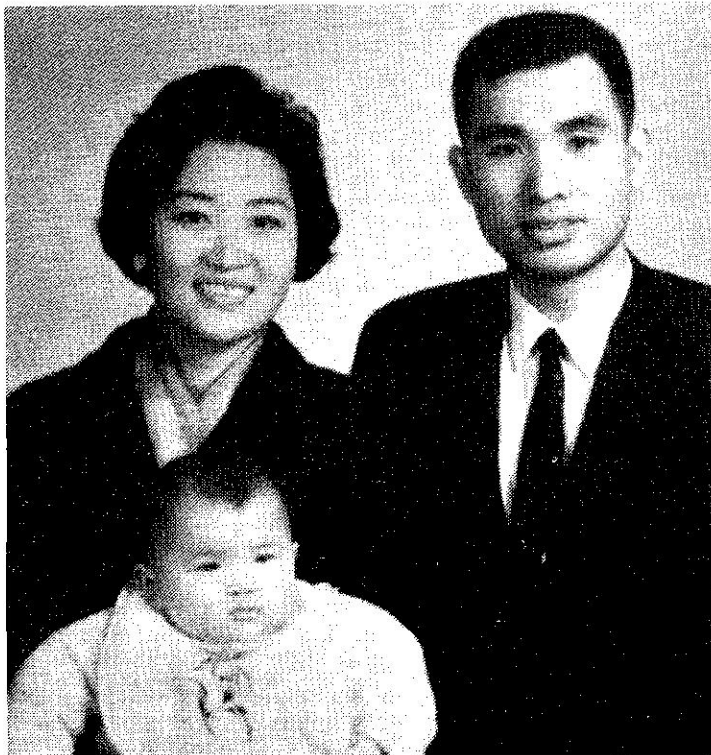
Yao graduated from college in 1966 and entered National Taiwan University's Law School with the highest examination score. That same year he was one of only five that passed the special National Lawyers Examination, obtaining the status of lawyer. However, before starting his career, he studied in graduate school and worked in a private law firm as an apprentice lawyer right up until graduation.

During this time he also started teaching at Fu Jen University and the College of Chinese Culture. In 1972 he received a scholarship to study in America.

Raised in a poor and deprived rural area, Yao is practical, capable and quite knowledgeable, never wanting luxury or comforts. He knows the suffering of poverty, and has worked hard to adequately feed and clothe his family. But even more importantly, he has his aspirations and ideals. Rather than seeking honor and wealth, he asks for only a life of meaning and value. He has divided his work into three levels of endeavor. First comes his profession as a lawyer. He has insisted on working with integrity and dignity, relying on his conscience and the law, without deviation or compromise. He once said that if he did not act ethically he couldn't walk straight or speak out. Yao knew that people would look down on a lawyer who did nothing but make money. Money without respect was meaningless to Yao. He was a diligent researcher into law principles and practice. He and other young lawyers organized a discussion committee, meeting once a week to discuss actual cases and exchange views and learn. (I always liked to be around them, sharing their enthusiasm and joy.)

This leads us to the second level of endeavor: scholarship, research, writing and teaching. His interests were very broad. Besides his legal practice, he was interested in history, geography, and biography. He had this constant urge to read everything available. Abraham Lincoln and Albert Schweitzer were his most admired personages. He also read and studied the biography of Martin Luther King. Libraries and Kuling Street's used book stands were his most frequented places.

Besides often having essays published here and abroad, he has also written eight books. Inasmuch as he is a business school graduate, he has concentrated on business law. At Fu Jen University, he taught business law and the law of negotiable instruments, as well as litigation matters. Because he had both a solid theoretical foundation and practical experience, students liked him as a teacher.



Chou Ch'ing-yu, Yao Chia-wen and daughter. This photograph was taken a few years ago.

Yao has written *Discussion on the Laws of Negotiable Instruments*, *A Study of Special Questions on the Laws of Negotiable Instruments*, and *Legislative Yuan Organizational Laws*. He was also very interested in constitutional law, and undertook many investigations and studies in the field. He taught constitutional law at the College of Chinese Culture, where he wrote *Law and Crisis Intervention*.² He believed that if Taiwan could one day enjoy the rule of law, and have a good body of statutory legislation, the country's situation could be saved. His publications along these lines stood him in good stead when he ran for a National Assembly seat in the [abortive] 1978 elections.

When Yao worked as a coordinator and instructor for the Life Line volunteers¹ he discovered that the Taiwanese people lacked even a general understanding of common law. Because of this, Yao saw how the people, especially women, were being deprived of their rights, and how this affected their prosperity and well being. This moved Yao to write *Love and the Law*. When he defended the election suits of Kuo Yu-hsin and Huang Ma [whose "defeat" was being contested], Yao came to realize how much government corruption there is. The experience prompted him to co-author (with Lin Yi-hsiung) the books *A Tiger Out of Place* and *Ku-keng Night Talks*. Again, after defending [imprisoned elder statesman] Yu Teng-fa, Yao co-edited (with Ch'en Chu) *Selected Essays from the Opposition. Ku-keng and Essays from the Opposition* were subsequently banned by the government.

The third level of Yao Chia-wen's endeavor involved him in the activities of social work organizations. Besides Life Line, he served the Bar Association in various capacities. Shortly after returning from the United States in 1973, he got together with other young lawyers who shared his views, and after expending much money and energy, founded Taipei's first legal aid center. Later he opened centers in Taichung and Tainan. The centers would sponsor street speeches on law in an attempt to introduce the masses to the common law and to their legal rights. He even participated and supported programs on television that educated the people about the laws.

Yao was also an administrator and counsel for China Comparative Legal Studies Institute. On several occasions, he participated in and wrote papers on Asian Legal Studies and World Peace Conferences in Indonesia, Philippines, Korea, Japan and Australia. He also took an active part in the International Youth Commerce Conference as a leader, speaker, coordinator, and assistant chairman. Presently he is assistant chairman to the Golden Dragon and Lions Organization. Yao felt that working actively in social organizations broadens one's perspective, increases one's knowledge, experience, and training, as well as being a contribution to society. In short, he was busy working, reading, joining activities, and learning. He was happy this way, and very satisfied.

Concerning *Formosa Magazine*, although Yao bore no formal administrative or operational responsibility, he nonetheless devoted much of his time helping whenever he could. As he saw it, what the group was struggling for was to put society on a just, free, democratic, and equal footing so that really capable and intelligent people could be elected to government. Only then could we go about pursuing our own lives in peace.

1. Life Line is a suicide-prevention service.

2. In this Yao details his theory concerning constitutional government for Taiwan. He says that there should be three "forces" (*li-liang*): the ruling party, the opposition, and (as a balancing force) law. For the law to play its proper role, Yao says, the constitution must be amended and legislative bodies must be rationalized.

When you are married to a person of such stature, it is difficult, sometimes, not to feel quite humble.

There are people who see Yao Chia-wen as a terribly serious man who has such a lofty sense of justice that he can never joke or be casual. But these people have only seen the professional side of the man. True, he is very efficient, and keenly aware of what needs to be seen, studied, and accomplished—he is hardly a wastrel. Still, he is not punctilious, and he is actually quite casual and easy-going with others. He not only takes good care of his family, he is *fun* to be with. On weekends and holidays he always took us on trips somewhere (he has maps and excursion books for every county in Taiwan!). When the weather was bad, he would set up a tent or hammock, and just play around the house with his daughter. Yao also believes that a family must have its own private life. He preferred to help me do the housework rather than hire a maid. Of course, he sincerely welcomed those guests that he knew would not interfere with our private family life.

While he hoped that I would respect his opinions, he seemed to respect mine even more. And whenever I had a problem at my job, Yao would offer help. Sometimes when I was pressed to write a report, he would give up reading,

television and even sleep to help and encourage me. So I had complete trust in him. I even let him handle my paycheck! In fact, he was my legal advisor, as he was for so many friends. Other than God, he has been the only one on whom I could completely rely.

[The authorities have been calling him] a violent man, a “hoodlum;” but nothing could be further from the truth. He is trustworthy, just, and ethical in word and deed. He is a common man who relies on his conscience, and he has a vision. Although he is idealistic, he is also practical, diligent, and serious. Wherever he goes, he stands straight and tall. Like any man, he has his shortcomings, but these are nothing compared to his deep sense of justice and righteousness.

I know that anyone who has had contact with Yao, and understands his good intentions and ideals, is invariably left with a profound impression and a sense of complete trust. Some of my most critical friends tell me that though I am a bit muddle-headed in many things, when it comes to my choice of husband, I was “right on.” In my soul, I know that they are right.

So I must confess that Yao Chia-wen, my beloved husband, is my glory. I am proud to be his wife. □

Presbyterian Lin Hung-hsuan

Active in the Taiwan Presbyterian Church and *Formosa Magazine*, Lin Hung-hsuan has been sentenced to twelve years' imprisonment because of his political activities.

Mr. Lin was born in Taichung, Taiwan in 1942. He was seven years old when his father, a Buddhist monk, died.

Lin received his B.A. in philosophy from National Taiwan University in 1966. After military service, he taught high school, and then worked as a commercial clerk.

Later, Lin enrolled in Tainan Theological College. Soon thereafter, the Presbyterian Church issued its famous “Statement on our National Fate.” Lin mobilized his fellow seminary students in support of this pronouncement, which called for human rights and democracy. Upon graduation, Lin worked for the Student Christian Movement in Tainan. He translated for various publications, and occasionally contributed a column to the *Taiwan Church News*.

In 1977 Lin went to the United States to pursue his doctorate degree in theology at Drew University. However, he suspended his study after a year and a half, returning to participate in the abortive 1978 elections. This move was prompted by the conviction that one should struggle for democracy and human rights in one's own land, rather than abroad. He joined the *Taiwan Church News* as an editor, and remained with the publication until the establishment of *Formosa*. Then, in the summer of 1979, he went back

to the United States to raise funds to support the latter publishing endeavor.

Lin Hung-hsuan was executive manager of *Formosa* when the magazine sponsored the Kaohsiung Human Rights Rally (10 December 1979). This event erupted in violence, and Lin was arrested for his role in the affair. He is the least known of the eight major defendants in the case.

The “confession” which was extracted from Lin contained the statement that he had developed his thinking on the subject of “Taiwan independence” mainly through the influence of Reverend Kao Chun-ming, secretary-general of the Presbyterian Church (see *SPEAHRhead* 6/7). However, like the other defendants, he repudiated his confession at the March 1980 trial, giving rise to suspicions that the extraction of the “confession” was part of a government effort to implicate Reverend Kao.

In his final remarks at the trial, Lin testified: “I am a follower and preacher of Jesus Christ. I would like to remind the court that Jesus was also tried as a ‘seditious element’ [the charge against Lin]. He had proclaimed the gospel of love, justice and forgiveness.” Lin also said: “I do not hate those who arrested me illegally, defamed and persecuted me, nor those persons behind the scenes. I beg God's pardon for them. They know not what they do.”

Lin is married and has a four-year-old daughter. His recent request to the prison authorities to be allowed to hug his daughter during the allowed 30-minute family visit was denied.

Notes from Green Island

The information which follows concerns the condition of two political detainees in Taiwan's Green Island prison as of April 1980.

Chuang Hsin-nan. Mr. Chuang is about 50 years old and is classified as under "peripheral imprisonment." This means that his cell is located on the outskirts of the compound, and he is supposed to be allowed relatively great freedom of movement. However, in 1979 he talked to visitors from Amnesty International, and is reported to have suffered maltreatment as a result. In mid-April it was reported that he had been in solitary confinement, and that his feet were still locked in chains.

Tai Hua-kuang. Tai is also reported to have been chained by his feet, usually for three months at a time. On one occasion his fellow detainees went on a collective hunger-strike to protest his treatment.

In March his brother, Tai Kuo-kuang, went to see him and was informed by Hua-kuang of Chuang Hsin-nan's condition, and that of other prisoners being treated similarly. Thereafter, Tai Hua-kuang was prohibited from receiving any more visits.

In April he announced that he was refusing to eat "Kuomintang rice," and with that went on a hunger strike himself.

Prisoner Profile

Wang Ching-hsiung: Socialist Scholar

A former soldier who became a proud, uncompromising scholar, Wang ching-hsiung is a fifty-year-old mainlander. Wang came to Taiwan around 1949 as a member of the Chinese Nationalist's army. After retiring from the service as a company commander, he studied philosophy at National Taiwan University, pursuing his interest in Buddhist studies. He received his masters degree, and then taught at the Chinese Culture Academy in Taipei until his arrest in 1973. A socialist, Wang's trouble with the authorities stemmed from his involvement with a left-wing student organization. He was sentenced to ten years in prison, and sent to Green Island.

Following the death of Chiang Kai-shek in 1975, Wang's term was commuted to six years and eight months, and he was transferred to T'u-ch'eng Detention Center. The reduced sentence was completed in January 1980. However, he was returned to Green Island. This time there were no legal procedures. Rather, the catch-all "Law to control Hooligans" was invoked.

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- Religious Resurgence
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The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

—Taiwan Relations Act (1979)

This transcript contains the remarks made at speeches during a rally held in the southern Taiwan city of Kaohsiung on December 10, 1979 (World Human Rights Day). The event was one in a series of demonstrations sponsored by Taiwan's non-partisans (i.e., those opposed to the ruling Kuomintang). As usual, the sponsors went ahead with their plans in spite of the authorities' reluctance to grant permission. In this case, last-minute approval was given for a rally, but only if held outside the local offices of the non-partisans' magazine, Formosa. The public, however, was expecting the event to take place either to the south, in the area of Ta-tung Department Store, or in the huge Kaohsiung Circle to the north (see map, overleaf). The government continued to deny permission for a march, and police generally obstructed the routes, thus preventing the demonstrators from reaching the approved site.

Although Taiwan's Chinese Nationalist rulers have promoted the use of Mandarin and discouraged the use of the Taiwanese language, the evening's speeches were almost entirely in Taiwanese. There were occasional exceptions. For example, in the first paragraph below, Yao Chia-wen spoke partly in Mandarin and partly in Taiwanese. Speakers sometimes repeated their main points in translation. We have not indicated such repetitions in the transcript.

Before the tape recording of the speeches began, there were some remarks by Legislator Huang Hsin-chieh and Formosa Manager Shih Ming-teh on the subject of maintaining order and avoiding confrontation with others. Then, at about 7:00 p.m., the first addresses were delivered.

Yao Chia-wen (at Kaohsiung Circle): Speaking on behalf of the Taiwan Human Rights Committee, I want to state three demands [to the authorities]. These arise out of yesterday's incident at Kushan [a neighborhood within Kaohsiung Municipality]. Two of our [Formosa] workers, who had been going around announcing today's human rights rally, were beaten up by the police. The two are still in the hospital.

Therefore, our first demand tonight is that the Chief of Police, K'ung Ling-ch'eng, take responsibility for this incident and show his regret by resigning from office. Our second demand is that Kaohsiung Police Chief Li Wei-ch'iao and the chief of the Kushan police station, Sung Kuo-shan, be dismissed and brought to trial. Our third demand is that the Police Security Unit, in particular the Kaohsiung office of the Investigation Bureau of the Ministry of Justice, immediately start legal proceedings against the policemen who beat up our workers.

At this moment there are some 20,000 or 30,000 people outside the Ta-tung Department Store, waiting to hear our speeches. However, none of these people can get here because we are completely surrounded by riot police. If the police

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Remarks in bold-face type, enclosed in square brackets, or in the footnotes are supplied by the editors. The same is true of remarks in italics except where the original speakers' remarks obviously call for italics.

continue to surround Kaohsiung Circle and block off all the streets, then we will ask that we be allowed to go and join up with the others.

Wang T'o: Dear brothers and sisters, I am Wang T'o. I will give the security police one more chance—we appeal to them to clear the riot police trucks from this area! We have heard that those 20,000 or 30,000 people are still waiting at the Ta-tung Department Store, so we have decided that we will light our torches and march over there. We are going.

Now I will ask Chou P'ing-teh, who is a candidate for the Kaohsiung Legislative Assembly, to report to us about yesterday's police beating of our two workers of the Human Rights Committee.

Now wait just a moment. The police are still refusing to remove their cordon around us to let other people in, so we will march.

Chou P'ing-teh: Dear brothers and sisters, all those who are concerned about human rights in Taiwan, and those who are participating in this rally to commemorate Human Rights Day today: Good evening to you all. Before I make a report about how the two workers of our *Formosa Magazine* were beaten up at the Kushan District police station last night, I want to make two points clear. Today, December 10, is International Human Rights Day.¹

In this "democratic, free China," which is supposed to be governed by the rule of law, the occasion *ought* to be a joyful celebration. However, on the very eve of Human Rights Day an incident occurred, which proves that there are no human rights here in Taiwan.

Secondly, there are actually two human rights committees in Taiwan; one is real, the other is fake. The real human rights committee [i.e., the Taiwan Human Rights Committee] is headed by Huang Hsin-chieh; Han Lih-wu heads a fake committee [the Chinese Association for Human Rights].

Formosa Magazine decided to sponsor this rally today to make a most important appeal to you. The people on the mainland under the communist Government certainly have no human rights or freedom. Of course, we would like to help them wrest their human rights and freedom from the Communist Party. But here in Taiwan the Nationalist Chinese government keeps repeating that this is a "democratic, free government." They say that they oppose the authoritarian way in which the Communist Party rules China; they say that on the mainland there is a lack of human rights and concern for the individual person. However, while they say that they themselves hold these principles high, the Nationalist Government in fact keeps on deceiving us. If they really mean what they say, then incidents like this one—twenty or thirty policemen beating up two of our workers—would not happen.

Furthermore, if this rally today cannot proceed because of the fact that a riot police cordon is surrounding us, then this will simply confirm that there are no human rights in Taiwan. So I hope that this Human Rights Day rally here in Kaohsiung will demonstrate that our people are determined to attain their human rights.

The Kushan Incident

Now I want to describe to you what happened yesterday. The General Office of *Formosa Magazine* in Taipei having decided to hold this Human Rights Day rally here in

The

Kaohsiung, the Kaohsiung Branch Office of *Formosa Magazine* prepared two trucks with loudspeakers to go around the streets to announce this rally. These two trucks drove through the center of town yesterday afternoon and evening to tell the people of Kaohsiung that the non-Party candidates are concerned about human rights, and at the same time to urge the Nationalist Government to make serious efforts to put their human rights policy into practice.

Yesterday evening, at approximately six o'clock, these two trucks were just about to start up in front of the Kaohsiung Branch Office and Service Center of *Formosa Magazine*, when suddenly twenty or thirty policemen from the Number One Police Station, and some thirty policemen from Number Two Station arrived and surrounded the trucks. However, soon a crowd gathered and pushed the police away, so the first truck was able to leave. Then two or three policemen lay down in front of the second truck to prevent it from leaving. Two of them got up again, and tried to push the truck back, but this didn't work either. They tried to do this several times, but finally the second truck left also.

We should not really blame those policemen personally for their behaviour; they were just obeying orders from their superiors, and did not really behave excessively badly. From their perspective they were just acting in the interest of public

same district. So we went immediately to the other station, but the police officers at that station, as well as the bystanders in the street, insisted that the two men had been taken to the main station in the Kushan District. So we returned to the Kushan District station. Now, however, they had closed and bolted the doors, and refused to speak with us. They would not explain why the two had been arrested. We all stood outside, not wanting to leave.

Many witnesses said that they had seen these two being beaten, and insisted that we stay there, so we did. We remained outside the police station, singing Taiwanese folksongs and calling to the policemen inside, demanding that the two arrested men be released. We said that, unless they set them free, we would not leave. We decided to stay there on hunger strike until they let them out. We kept telling them that, if midnight passed and the next day came (December, 10, Human Rights Day), then they would be in conflict with the spirit of World Human Rights Day.

We will always remember that night! Finally, Police Chief Li Wei-ch'iao came out and told us that the matter would be resolved. Later, at two o'clock, he came out again, and told us that the two men had been taken to the local Headquarters of the Taiwan Garrison Command. However, we did not believe him. [It turned out, though, that the two men were indeed

Kaohsiung Tapes

safety. The policemen themselves would really like to be friendly to us and cooperate with us in the democratic movement. However, they haven't been ordered to work closely with us; in fact, they have been ordered *not* to cooperate with us. The policemen themselves feel very badly about this. I myself have talked with them about it, and I have expressed my regret to the Taiwanese policemen that, because of the orders from their superiors, we cannot work more closely. They have had difficulties forced on them. We have repeatedly expressed our regret, but there is no way that we can respect their orders. If we respected the directives of the security agencies, there would be no human rights worth talking about. I wanted to explain these points first.

So, under these conditions, the trucks left. Within the security forces they had set it all up. The truck had not been disturbed passing the busy streets. But then, as they were passing a police sub-station in the Kushan District, about thirty policemen rushed out, surrounded the trucks, and started arresting our people. They tried to arrest them all, but the people resisted. In the end the police managed to grab only two persons [Ch'iu Ah-she and Yao Kuo-chien]. These two were set upon by five or six policemen and dragged off. Bystanders in shops and on the sidewalks of Second Avenue could hear them call out for help. The two were then taken to the main police station in the Kushan District.

At about nine in the evening we at the *Formosa Magazine* office received the news of this incident. Ch'en Chu² and I immediately went to the Kushan police station to find out what crime these two men were supposed to have committed, and what they were going to be charged with. The policemen there denied that they had made the arrests, and said that the incident must have happened at the police sub-station in the

there.] So we sent two of our representatives with Li to the Taiwan Garrison Command office to bring the two arrested men back. However, the Taiwan Garrison Command refused to release them unless they signed a document saying that they had not been beaten by the police, and that the injuries which they had sustained were "self-inflicted." They also set another condition, which was that these two should not return to the [area of the] Kushan police station. The purpose of this condition was apparently to prevent the crowd of two or three hundred people waiting there from seeing the injuries which they had suffered at the hands of the police. It was stated that they should return to the office of *Formosa Magazine*.

One of our representatives returned to the Kushan police station with Police Chief Li Wei-ch'iao, and told the waiting crowd of two or three hundred people that the two arrested men had been released and returned to the office of *Formosa Magazine*. So we all returned there. When we got there, however, we found that the two men could hardly move because of their injuries. They had been beaten so severely that their faces were swollen; they had marks of being kicked on their bodies, and they had welts and bruises on their chests, throats, heads and especially on their shoulders.

By now it was three o'clock in the morning of the 10th. First we had thought of returning to the police sub-station in Kushan to press charges against the policemen there, but the

1. The date was the thirty-first anniversary of the proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly. (See page 2.)

2. Ch'en Chu was active in organizing the Human Rights Rally held the next day (though she was not a speaker) and was subsequently sentenced to twelve years imprisonment. She is a member of the Board of Directors of SPEAHR International.

two injured men told us that it was the policemen in the main police station in the Kushan District who had beaten them. They said that some twenty or thirty policemen had attacked them in the police station. They had been held up and dragged by the legs and swung around, bashing their heads on the ground. So we really felt that the most important thing to do was to get medical care for the two injured people, and they were taken to the hospital.

Having been up all night, most of those involved had slept through the morning of December 10. Mr. Chou next discussed what happened in the afternoon.

Lawyer Yao Chia-wen and an investigator went to the hospital to interview the two injured men. The latter said that the orders to have their vehicle rushed and seized, and themselves arrested and tortured, had been issued by the chief of the Kushan police station [Sung Kuo-shan]. This is what the two men said.

I feel that even though you people were not affected directly in this particular incident, nonetheless, until the government grants all the people their human rights, the next victims could be you or your loved ones. Therefore, this is a matter of deep concern for everyone.

I feel that, although this particular incident did not happen in front of the victims' friends, relatives, or families, yet if we allow this kind of infringement of human rights to continue, then one day people will be beaten up in front of their families. So I urge you to be all very concerned about this.

One of the two men, Ch'iu Ah-she, said that after he was at the Taiwan Garrison Command office, he was again beaten up, this time by three policemen. The other man, Yao Kuo-chien, said that he had not been beaten at the Taiwan Garrison Command office, but that he had been severely beaten at the Kushan police station, losing one tooth.

This concludes my report of what happened last night.

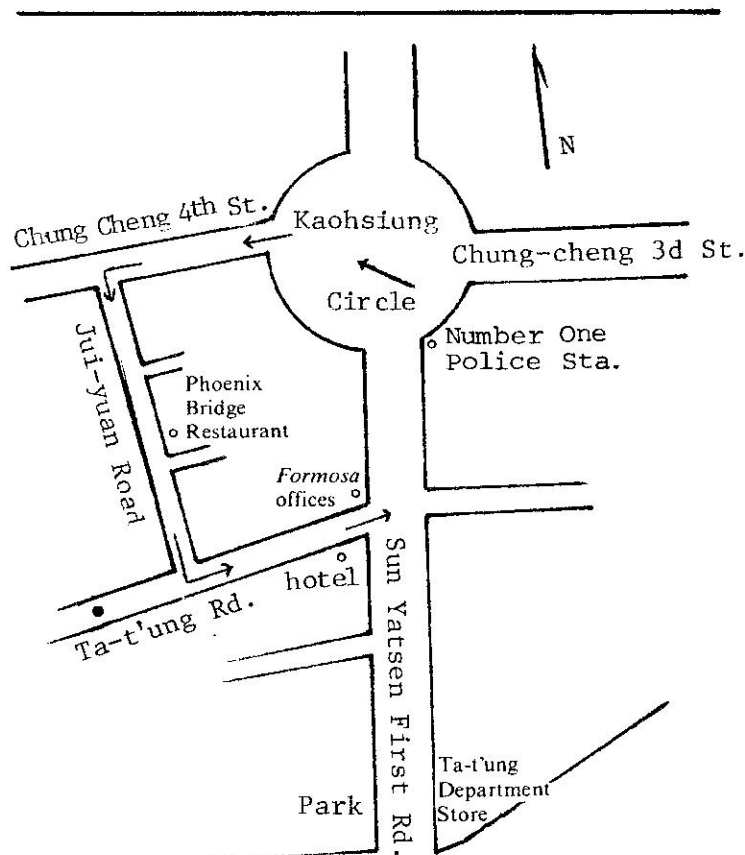
Wang T'o: Brothers and sisters, now I ask Mr. Shih Ming-teh, the General Secretary of the non-Party and chief director of tonight's rally, to report to you.

Shih Ming-teh: What I am saying now is not directed at you, my beloved fellow Taiwanese. Rather, I address the security police over there, and I warn them seriously. I will now go with lawyer Yao Chia-wen to the Number One Police Station to meet with the chief of the police. All of us hope that you [policemen] will not make an incorrect judgment. You must not think that we are afraid to die. We hope that you security police will be sensible when we meet you. If you are not reasonable, then we, the Taiwanese people, to whom this beautiful island belongs, will march—we shall march.

Now I am going with lawyer Yao Chia-wen directly to the Number One Police Station. I hope that everyone here will remain and listen to the speeches.

Wang T'o: Dear brothers and sisters, we will stay here and wait while Yao Chia-wen and Shih Ming-teh go to talk with the police at the police station. If the security police don't remove their cordon around us, then we will take up our torches and start marching through the streets. We will meet up with those 20,000 or 30,000 friends who are waiting outside the Ta-t'ung Department Store, and start our demonstration for human rights.

Shih Ming-teh: Dear friends, this is Shih Ming-teh again. If I do not return within half an hour, then the general organization of tonight's rally will be in the hands of Mr. Chang Chun-hung, who is a member of the Provincial Assembly, and Mr.



DOWNTOWN KAOHSIUNG

Arrows indicate direction of march.

Chang Ch'un-nan, a member of the National Assembly.

Ts'ai Yu-ch'uan: I ask everybody to stay here. Nobody needs to go with them. Please raise your hand. *The crowd is led in various cheers, sometimes repeated in Mandarin:*

Oppose arbitrary arrests!
Oppose torture and violence!
Oppose one-party dictatorship!
Oppose one-party dictatorship!

Yang Ch'ing-ch'u: Dear brothers and sisters, I am the representative of the Workers' Organization and a candidate for the National Assembly. My name is Yang Ch'ing-ch'u. I want to introduce someone to you who took part in the elections for Provincial Assembly more than ten years ago. His name is Hung Chuan-ch'i. After running in that election he was arrested and imprisoned for over ten years.

Hung Ch'uan-ch'i: Friends, citizens of Kaohsiung, and fellow Taiwanese: I have missed you! Seventeen years ago I took part in the third election for the Taiwan Provincial Assembly. After that election I was arrested. They accused me of being a member of the Taiwan independence movement. I was sentenced to twelve years' imprisonment, and I was deprived of my civil rights for fifteen years; so I have been away from Kaohsiung for seventeen years. I want to thank my fellow citizens of Kaohsiung for their love and support for me. I cannot thank you all individually, but I am very grateful to have this opportunity now to express my appreciation to you all.

Today is Human Rights Day, International Human Rights Day! I want to take this opportunity to say one or two

things to you. First, I ask you, what has the Nationalist Chinese government given us in 37 years? In fact, for 37 years we have kept *them* going! We have really fulfilled all our duties towards them—we have paid all our taxes, we have really done more than our duty. But where were our human rights in all these thirty-odd years? During the Ch'in (Qin) Dynasty in China they used to arrest scholars and burn their books. What does the Kuomintang do now? We can be arrested for saying one word. We cannot say one sentence of criticism without risking arrest and three, four, or even ten year's imprisonment! My Taiwanese brothers, where are our human rights? The readers and staff of *Formosa Magazine*, nonpartisans and political activists—they are all Taiwanese people, just like us.

Human rights! We want our rights back!

I take this opportunity to thank you all, and I hope that we will all stand together.

Ts'ai Yu-chuan: People, don't leave. Please don't run away; stay here. Don't be afraid. Let us all be united.

For three centuries we have been under the rule of other people. We don't want to be ruled by others any longer: we want our human rights. Let's look at the times which we are in now. In what direction is the world going? It is going in the direction of freedom and democracy!

Thank you all.

Shouts from the crowd: They don't let anyone in. We are surrounded. We are completely surrounded!

Wang T'o: Dear brothers and sisters, we cannot see what is happening at the outer fringes of the crowd. I want to ask one of our friends there to come over here to tell us what is happening, so we can react in an appropriate manner.

Shouts from the crowd: We are surrounded. We are surrounded. Don't waste time. Don't waste time.

Wang T'o: Now, we are still waiting for Mr. Yao Chia-wen and Mr. Shih Ming-teh to return from their discussion at the Number One Police Station. Please, will everybody stay here. Don't start any arguments with the police. Please, everybody come over here. We should wait until Mr. Yao Chia-wen and Mr. Shih Ming-teh return, and then we will decide what to do.

Shouts from the crowd: They can't get in. They can't get in! They [meaning unclear] are going to push in over there!

Wang T'o: Now I want to ask the man who received the highest number of votes in the Provincial Assembly-election, Mr. Ch'iu Lien-hui, to speak to us.

Ch'iu Lien-hui: Brothers and sisters, please, everybody should keep calm. We will wait until Mr. Yao Chia-wen and Mr. Shih Ming-teh return from their negotiations.

Originally the army was supposed to counterattack the mainland. Now it is not doing that, it is beating up our own people. My former colleague in the Provincial Assembly, Mr. Chang Chun-hung, told me that the police once surrounded the Provincial Assembly building while the Assembly was meeting. The same thing is happening now. I appeal to you, fellow Formosans in the police and military, we are all

Taiwanese together. Please stop this indiscriminate action against your own people! The Kuomintang [Nationalist Party; hereafter "KMT"] has always accused us non-Party people of being extremists, but what they are doing tonight is far more extreme than anything we have ever done. The army is supposed to be used for counterattacking the mainland, but they are attacking us—they are attacking their own people! This is what I would really call extremist behaviour. If they insist on doing such things on International Human Rights Day, then anyone with a conscience, whether they are a member of the KMT or a member of the non-Party, will be utterly outraged. Do you agree?

The crowd: That's right! That's right!

Ch'iu Lien-hui: Not only is the government supposed to respect our human rights; it should actually *defend* these rights.

As Mr. Ch'iu continued to speak, police riot trucks became visible off to the east, slowly approaching along Chung-cheng Third Street. Some in the crowd began arguing with the riot police, who had been encircling the assemblage.

The Nuclear Power Issue

There is one problem in particular to which I want to draw your attention today: The matter of nuclear power stations. Once I made an appeal to the Provincial Assembly, urging very careful consideration in the issue of nuclear power development in Taiwan. On July 20 I went to see the Chinshan Nuclear Power Station, and I was told by the Taiwan Power Supply Company that they had plans to build twenty, no fewer than twenty, nuclear power stations! I found this extremely disturbing news, because power generation with nuclear energy brings with it real problems.

(Mr. Ch'iu is interrupted by shouts that some fights are breaking out.) Keep calm. Don't fight! It is all right. Don't fight one another! Keep calm.

Back to the question of nuclear power stations: If you read the accounts in the newspapers about what is happening in certain other countries, then you realize that there are certain problems associated with these nuclear power stations. Recently the President of the United States appointed a special committee to take a thorough look at the whole question of nuclear power stations. The conclusion of this investigation was that there were serious design errors, and that there were serious weaknesses in the safety measures. After hearing this, I urged [Taiwan's governor] Lin Yang-kang to take special note of this matter.

Scientists have calculated that, if things go wrong with a nuclear power station, there could be harmful effects on human beings for as long as 250,000 years. Exactly how serious would these effects be? If only a very small quantity of contaminated air were to be inhaled by anyone, then that person could be dead within four hours. Nonetheless, they are still building these unsafe nuclear power stations! I appeal to our government to reconsider this decision. If the Americans—who themselves invented this dangerous, complicated, and highly sophisticated technology—do not

Wang T'o: "There are some KMT supporters out there. Don't let these troublemakers stir up violence among you. If you find anyone with an egg in his hand, remove him. These people are thugs. They are disgusting."

have confidence in their own designs, then how much more should our own scientists think seriously about this?

(More shouts from the crowd that disturbances were breaking out.)

Last month there was trouble in one of the nuclear power stations in Japan. What happened was that there was a dangerous discharge of waste. This shows that it is indeed a serious matter. I hope that the government will pay close attention to our concerns. We should value the life and happiness of our people. Considering the kind of environment we have [Taiwan is small and earthquake-prone], why should we use such dangerous, high-risk technology? Another aspect which we must consider is that it costs NT\$500 billion to build one nuclear power station. Of course we need electricity, but we must wait until our level of scientific skills has reached the point where we can use this technology safely and without problems.



The offices of Formosa Magazine. This picture was taken shortly before the Kaohsiung Rally. The two white banners protest earlier acts of violence by pro-KMT elements against various *Formosa* facilities. The government invariably takes no action with regard to such perpetrators, even when they commit murder.

This is, in a sense, an example of what I am talking about when I say that our government is neglecting the whole question of human rights for our people. I am raising this question here, because I hope that everyone will take note of it, and will help keep up the pressure on our government in this matter. I hope that the government will reconsider the decision to build these six new nuclear power stations. Taiwan is a very small and densely populated island, in fact it is the world's most densely populated area. If there were to be any accident in a nuclear power station here, then there would be no place to which to escape. Several days ago I wrote a letter to the newspapers about this, pleading with the government to value life and safety more highly. There is much corruption in just about any large project which the government undertakes, and personally I think we should fight against the individuals involved.

It would be very easy for something to go wrong in the construction or operation of a nuclear power plant. We must not simply copy this yet-to-be-perfected technology. These are matters which affect not only the present generation, but also future generations. We must never forget Hiroshima, which was destroyed by an atomic bomb, and where the people are still suffering the effects. That is the reason why I raise this matter again and again. I hope that you all will really show your concern about this issue. We must urge the government to reconsider their decision and urge our scientists to be concerned about it too. Thank you.

Wang T'o: Brothers and sisters, I noticed just now that some people standing over there, in front of our truck, are wearing armbands with the Nationalist Chinese flag on them. Watch out for them! We want to prevent all violence! Don't let those troublemakers stir up violence among you.

Voices from the crowd: Yes! Yes! Yes! Watch out for them!

Wang T'o: Those of us who love peace must be particularly on our guard against these people. We must really watch out for them.

Now we ask the Tainan Shepherds' Choir to sing a song for us.

Ts'ai Yu-ch'uan: I now ask the Shepherd Choir to sing for us. *(The crowd applauds and whistles. The choir then sings.)*

Fan Cheng-yu: I am Fan Cheng-yu from Taichung. I have two messages for you. In any battle between the sword and the fist [i.e., between the armed and the unarmed], it is always the fist that wins. [Note: The raised fist is the symbol of the Taiwanese human rights movement.] I hope that we will use the fist of righteousness to overcome. We must develop our democratic muscle; then we shall surely be victorious!

(The crowd is becoming increasingly restless. Trouble makers, perhaps the government supporters mention above, throw eggs. Someone in the crowd shouts "Get him! Get him!" The meeting becomes disorderly.)

Wang T'o: Please keep calm! Get those people out of here! We do not want anyone to get killed. If someone is killed, we won't be responsible. If you find anyone with an egg in his hand, remove him. Those people are thugs. They are disgusting.

The police turned on intense lights. In fear, much of the crowd began to shift away from the eastern side of the circle. However, they discovered that the circle was surrounded on all sides by military police. The riot trucks seemed to pause outside the police cordon, apparently blocking the junction between the circle and Chung-cheng Third Street. A murmur of Tear gas! could be heard going around the crowd.

Ts'ai Yu-ch'uan: Dear brothers and sisters, let us first sing "We shall overcome." I will tell you the words: We shall overcome, we shall overcome, we shall overcome some day. I will sing it once first, and then those who know the words can sing it after me. *(They sing it once.)* Brothers and sisters, let us clap our hands as we sing. *(They sing it again, a third time and a fourth time. Then they change the words and sing:)* We shall have victory. We shall have victory. *(Then they sing "We Shall Overcome" twice more. Finally, the whole crowd shouts:)* We shall overcome. . . We shall overcome one day. *(Much shouting.)*

Wang T'o: Dear friends, I see the riot trucks over there. We do not have any guns, but we have our spirit. Let us all clap our hands, let us clap our hands so loudly that the noise over-



Riot trucks arrive. These are the first of dozens of these intimidating vehicles which were sent to control the crowd. This photograph was taken at Kaohsiung Circle between 7:00 and 8:00. The crowd appears to be still quite peaceful.

whelms the riot trucks. Everyone clap and shout after me: Long live the Taiwanese people! Long live democracy! Long live righteousness! *(The crowd shouts, claps, and repeats the words of Wang T'o.)*

Now I ask Miss Lu Hsiu-lien to speak to us.

Voices from the crowd: Here come the riot trucks! The riot trucks are coming towards us! What can we say? What speeches can we make now? We can't have any more speeches!

Instead of Ms. Lu, who had been introduced, the next speaker was one Tung Ts'ung-ling. There is some mystery about this individual, who was the only speaker at the rally to advocate any kind of violence (overturning the approaching riot trucks). He had not been closely associated with the organizers of the event. Curiously, he was almost the only speaker not to be subsequently arrested and given a long prison sentence. This is circumstantial evidence that Mr. Tung may have been a secret informer for the KMT, but this cannot be confirmed.

Tung Ts'ung-ling: Dear brothers and sisters—unarmed people, please listen. Shih Ming-teh has already been at the Number One Police Station for nearly thirty minutes, so now we are going to raise our voices in protest. If Shih Ming-teh doesn't return when the thirty minutes are up, then we are going to protest, we are going to start marching, OK? Let us

sing again, while we are waiting for them, OK? Let us sing again "We shall overcome." We are going to be the masters. The Taiwanese shall be in charge.

Will those in the back please come closer to the front? All come to the front please.

The Crowd: The riot trucks are coming. The riot trucks are coming! *(The meeting seems to be breaking up and turning chaotic. Tung tells the people who have torches to light them.)*

Tung Ts'ung-ling: If the riot trucks come any closer, or if the riot troops come any nearer, overturn them! Would that be good or bad?

Voices from the crowd: Good.

Tung Ts'ung-ling: Shall we do it?

Some voices from the crowd: Yes. OK.

They are shooting tear gas! They are shooting tear gas! There is already tear gas!

Tung Ts'ung-ling: Be calm. Everybody be calm, please. Let us save our own lives. Don't be afraid. Don't be afraid. Be fearless. *(Further disturbances from the crowd. Tung to the police:)* All Taiwan is watching your violent methods. You had better be careful! *(To the crowd:)* I appeal to you, my fellow Taiwanese: Please remain orderly and follow our vehicles out of here, please follow our vehicles out of here.

Now we have seen what kind of violence the troops are using against us today. We have all seen it, we have all seen it. Dear friends, although we have no weapons, we are armed with our spirit. As we follow the trucks out, let us join hands, let us join our hands together, and let us join together in our hearts. Will the first truck drive a little slower, please! Brothers and sisters of Kaohsiung, today we have really seen how unjust the KMT is to the people of Taiwan, so please shout after me this cheer, OK?

The crowd shouts: OK!

Long live the people of Taiwan.

Long live democracy! *(Repeated several times.)*

Because the police were moving in from the east and detonating tear gas, the decision was made to have the crowd, which had been facing east, turn, form a procession, and march out the western exit of the Kaohsiung Circle.

EARLY-EVENING SPEAKERS

Yao Chia-wen: Lawyer, legal scholar, and leading figure of *Formosa Magazine*. See page 4.

Wang T'o: Popular author, of the "Nativist" school. See *SPEAHRhead* 6/7, page 5.

Chou P'ing-teh: Judicial clerk and local judge; candidate for Provincial Assembly (1977) and Legislative Yuan (1978). Famous for his oratory.

Shih Ming-teh: Manager of *Formosa Magazine*; former political prisoner (1962-1977).

Ts'ai Yu-ch'uan: Theologian associated with Tainan Theological College.



The police make their move. Here a contingent maneuvers among the torch-bearing demonstrators. Sign at right says "Stop the exploitation of farmers."

Unidentified voice: Now, everybody please follow the vehicles and show support. One day, the Taiwanese will be the masters. Now shout after me: "Long live the people!" (*The crowd repeats the words.*)

Mr. Yang Ch'ing-ch'u, will you please come forward? Quickly!

General Secretary Shih Ming-teh and Lawyer Yao Chia-wen, please come out quickly. (*The two men are about to depart from the Number One Police Station, their negotiations having been unsuccessful.*)

Will [Ts'ai] Yu-chuan please come forward quickly?

Voices from the crowd: Where are we going? Where are we going?

Unidentified voice: Dear brothers and sisters, we are going to the [Formosa] headquarters. Please remain quiet. Mr. Shih Ming-teh and Mr. Yao Chia-wen, please get on the back of the truck. Friends: Shih Ming-teh and Yao Chia-wen have just come out of the police station, so let us all quietly go down the street. Will those carrying torches please come back here, and follow the trucks? Follow the trucks! We Taiwanese must protect each other! Please will those people with torches kindly walk in the front? Long live the Taiwanese people!

Another unidentified voice: Dear brothers and sisters, will you kindly walk in orderly procession behind the vehicles. Don't spread out. We must keep together. If we keep together, then we shall overcome. Please everybody, follow behind the trucks. I will lead you in a cheer. Please everybody shout after me, OK? "Long live the Taiwanese people!" (*The crowd responds several times: Long live the Taiwanese people.*)

The crowd gradually turned, massed under the flickering glow of re-lit torches, and very slowly moved toward the western exit of the circle. However, the police were blocking even this route. A relatively unarmed detachment of them formed a triple line at the junction, standing with truncheons as links. (See photograph, opposite page.) Part of the crowd rushed forward in advance of the marchers, confronting the police. Shih Ming-teh, riding on the back of the smaller of the organizers' two trucks, rode across the circle toward the western exit, stopping just short of the cordon. (This maneuver later became the basis of the government's claim that he had led the charge against the police. The organizers' apparent intention, however, was to keep people in line and slow down the faster marchers.) The unidentified speaker continues:

Will those in front kindly walk slower? Follow behind, please all follow behind! Those who are in front with torches, keep in front, please. Will everybody follow behind. Let us shout another cheer, all right? "Long live the Taiwanese people."

The crowd: Long live the Taiwanese people; we want democratic freedom!

As had happened at similar rallies around the island when surrounded by police, the crowd attempted to push through the cordon, and was eventually successful. It required, however, some young men jabbing their bamboo sticks (otherwise used for torches) to make the police drop their truncheons. After the police line finally broke, the crowd began to pour through. (Four or five rowdies pursued some of the fleeing police. A young MP was pushed against the grill of a store and punched. He escaped only when a friend of the rally organizers intervened.)

The march continued.

Tung Ts'ung-ling: (*addressing the people on the sidelines*): Will you all come out, please? I ask all of you who are watching from your houses, and those of you who are standing there on the sidewalk, will all of you come out and join us, come out and fight for our rights? Everybody please follow behind us. Please, everybody, call out, let us hear your voices.

The crowd continues to shout: Democracy and freedom for the people of Taiwan! Down with militaristic cliques! [*Alternative translation: Down with the militaristic clique!*]

We want justice!

Oppose one-party dictatorship!

Long live the Taiwanese!

Lu Hsiu-lien: My dear fellow Taiwanese: Today is International Human Rights Day. We are privileged to be Taiwanese. We are the first ones in our history to carry the torch of democracy. Today, as our voices cry out in our struggle for freedom, we are crying out to the whole world. Please, all of you, come out and join in our struggle for a democratic political system. If you are Taiwanese, and you are not with us here today, you will not have a clear conscience later.

Considerable time elapsed between the time that the first contingent of marchers broke out of Kaohsiung Circle, and

the final departure of the sound truck and rear-end demonstrators. During this period, there was fear that the people filing out ahead were not moving fast enough to permit everyone to escape before the riot trucks closed in from the east.

Voices in the background: The riot trucks are coming! The riot trucks are coming!

Tung Ts'ung-ling (*grabbing the microphone*): Please, everyone, for the sake of the future of Taiwan, please don't go and hide yourselves. Come out and stand here with us. Great citizens of Kaohsiung, dear brothers and sisters, please all of you, come out of your houses, and join our march. Please, all come out, come out. Today is the first day of the Taiwanese people's struggle for victory. Please don't go and hide again. Don't go on sleeping. With conscience and devotion we must fight for our democracy.

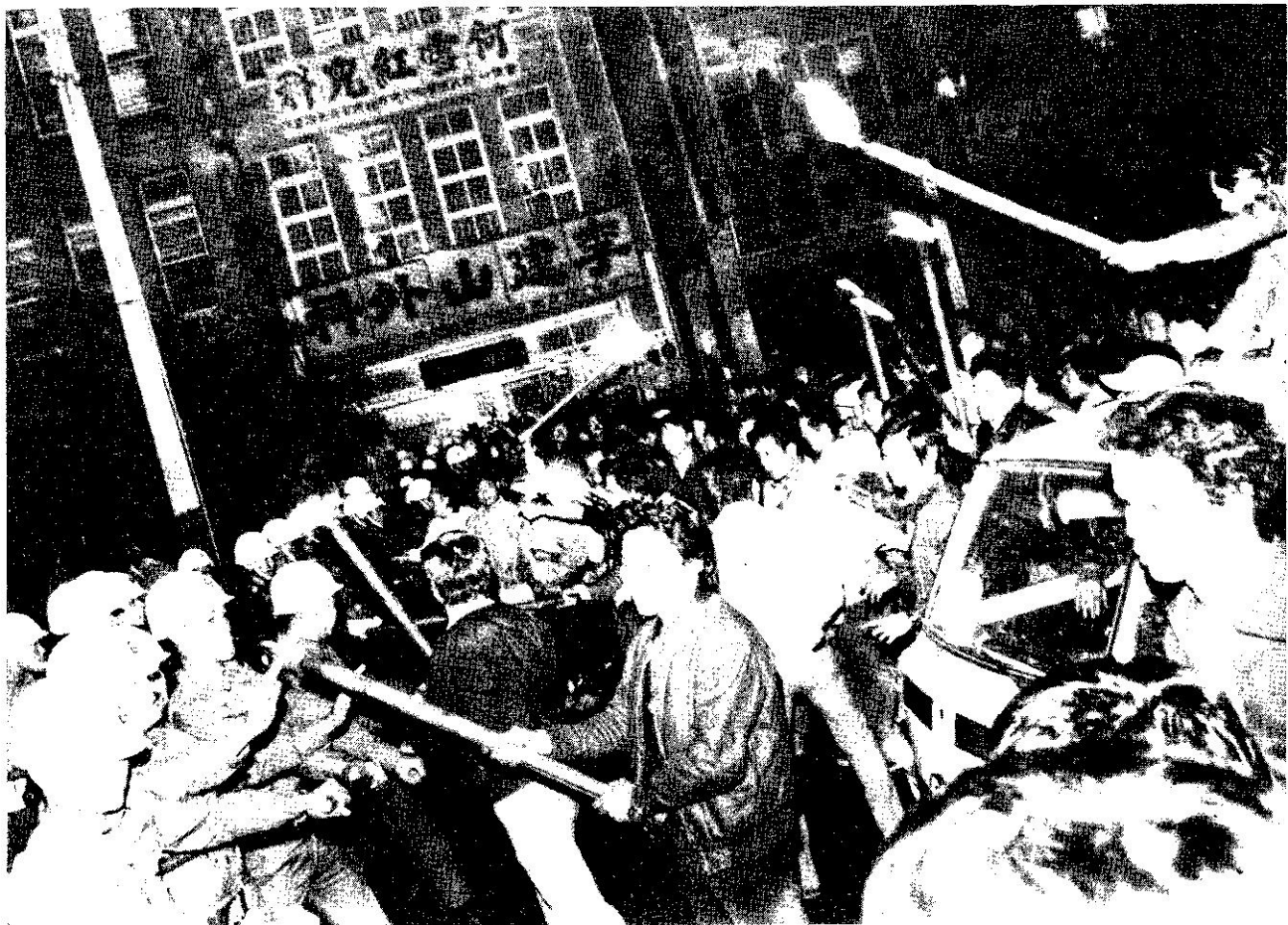
Now I will shout another cheer. Please repeat after me, all right? Yes, all right! Long live the Taiwanese people! (*The crowd repeats the cheer several times.*) The Taiwanese people are to be pitied. They've been oppressed for more than thirty

years, and yet they are still sleeping! More than thirty years of oppression and yet they still don't understand the misery of their lives. Our future is very grim! Do you realize that? We must come out and struggle! We must come out and march. We must come out and stand up for our rights.

A voice: Will you do something about the situation up front there? Do something about the front! The riot trucks are coming at us!

Lu Hsiu-lien: Dear— Pastor— Hi! The guys who are hiding in their closets, it is time to come out! We have been oppressed for so long!

At this point, Ms. Lu twice shouted the phrase "Ch'ung-ah," which could be rendered "We must push ahead." It is not altogether clear what she meant. Taken in the context of what she had just stated, she might have intended to say that the Taiwanese must work to end oppression. Taken in the context of the situation of the moment, she might have been urging the marchers literally to push ahead. The government later put the most militant possible construction on her



Attempting to leave Kaohsiung Circle. Unlike the other photographs which appear on these pages, the above is taken directly from the official *Free China Review* (February 1980). The original caption read: "Rioters assault unarmed security forces with clubs, torches and other weapons in the Kaohsiung Incident Dec. 10." The "clubs" are the bamboo sticks which were used as torches, and are flimsy compared to the truncheons which the police are holding. Although the demonstrators do eventually break through the cordon, at the moment they are relatively passive. Note that the picture appears on an angle, giving a false impression of a leftward thrust.

This photograph has been widely published by the government. Presumably it is the most incriminating of the 139 it claims to possess.

MID-EVENING SPEAKERS

Yang Ch'ing-ch'u: Factory worker and writer; candidate for Legislative Yuan elections in 1978. See *SPEAHRhead* 4/5, page 11.

Hung Ch'uan-ch'i: Candidate in the 1963 Provincial Assembly elections; political prisoner for twelve years.

Ch'iu Lien-hui: Former Provincial Assemblyman; anti-nuclear activist.

Tung Ts'ung-ling: Pastor of Taku Church, Tainan County.

Chang Chun-hung: Provincial Assemblyman; leading intellectual and author of many books.

Fan Cheng-yu: Candidate in aborted 1978 Legislative Yuan elections; *Formosa* activist in Taichung.

words, claiming that she had incited the crowd to violence. Perhaps, as is suggested by the following sentence, she was treating the immediate situation as a metaphor for the general situation on Taiwan.

Our people—our brothers, sisters and elders—are behind us, but before us we are confronted by the forces of violence. Fellow Taiwanese, repeat after me— *But Ms. Lu was interrupted by calls from the crowd: Ta-t'ung! Ta-t'ung! On to Ta-t'ung! She continued: Taiwanese soldiers, please withdraw. Please withdraw!*

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In the meantime, perhaps a hundred unidentified young men slipped along a dark side street and circled south. So far as we know, they had no connection to the organizers of the rally. It has been reported that they stopped at a lumber shop and helped themselves to some poles. Also, some other young men came out of Phoenix Bridge Restaurant, and they may have joined the first group. The newer participants are rumored to have had links to the pro-KMT mayor of Kaohsiung. (For additional information on this subject see newsletter no. 10 of the International Committee for the Defense of Human Rights in Taiwan.) Although the above developments are a bit murky, it is undisputed that at about this time these rowdies discovered two mainland policemen with walkie-talkies, and at a point some distance to the west of the Formosa offices (● on map) the policemen were set upon and beaten severely. Although the government later claimed that during the course of the evening 183 policemen were injured, these two are among the very few documented cases.

The same band or bands of youths then moved to the northeast along the street (called Ta-t'ung, but not to be confused with the department store). They first encountered a cadre of military police surrounding a hotel across the street from the Formosa offices, and then two tight rows of fully-armored riot police in the middle of the intersection. Altogether, there were between a hundred and two hundred military police, backed by several riot trucks. When the first of these police detachments was encountered, there was a brief pitched battle, during which the policemen's spark guns exploded like fireworks. The MPs then retreated up the stairs

of the hotel, which in fact housed the government's secret command post.

Now more people arrived, sweeping past the scene and into the intersection in front of the Formosa offices. On the east side of the intersection, a few dozen troops were surrounded by some youths. (It was never possible to determine the identity of these youths, who scattered when approached by Formosa personnel.) The other lines of riot police disintegrated almost immediately, and an approaching group of young non-armored police turned and left the scene when they saw the situation. More serious, one military policeman was found lying unconscious on the ground in the intersection. He was quickly transported to safety. At least one civilian was also found injured.

Shih Ming-teh: Dear friends, this is Shih Ming-teh speaking. I am the chief director of today's event. I hope that you will all come out. We have now arrived at the office of *Formosa Magazine*, which is sacred ground for the Taiwanese people. Will the first vehicle please stop. Kindly stop in front of the offices of *Formosa Magazine*. All armed troops: You are the sons and brothers of Taiwanese. You are the troops of the Taiwanese. Please do not misunderstand. Taiwanese must not fight Taiwanese. Withdraw! Everybody calm down. The Taiwanese are to be pitied; do not fight them. Taiwan soldiers, withdraw! Taiwan soldiers go!

Organizers Plea for Non-violence

Taiwanese soldiers, move back! Taiwanese soldiers go! They have their own problems. Let them get away. Don't fight the Taiwanese soldiers. Don't fight the Taiwanese soldiers! Don't fight the Taiwanese people! Don't fight the Taiwanese people. Taiwanese people, move back a bit. Move to the side. Taiwanese people don't fight each other. Sweet potato must not fight against sweet potato.³

Voices from the crowd: Attack, Attack!

Shih Ming-teh (blowing his whistle): Please, will all vehicles stop. This office of *Formosa Magazine* is the sacred ground of the Taiwanese people. Please stop here. Taiwanese soldiers, lay down your arms! You Taiwanese soldiers are all our brothers and sisters.

Within fifteen minutes of the clash in front of the hotel, the sound trucks and the remainder of the marchers arrived at the Formosa intersection. By now, the people who had been waiting so long in the neighborhood of the Ta-t'ung Department Store were also here. Altogether, it was estimated that there might have been as many as twenty thousand demonstrators present.

Now, there was a widespread feeling among the people that a victory had been achieved. An almost festive air prevailed.

Shouts from the crowd: Victory, victory!

Chang Chun-hung: All of you here, my fellow Taiwanese, please listen: This is Chang Chun-hung speaking. Tonight, all of us here have won a victory.

Crowd: Horray! Horray!

Chang Chun-hung: Sixty billion Taiwanese dollars worth of military equipment has tonight been rendered useless. We

3. Sweet potatoes are traditionally eaten by the poor and lower classes. The term "sweet potatoe" became a term of abuse used by mainland Chinese to denote Taiwanese people, but it is now used affectionately among the Taiwanese themselves.

have gained a victory today. Raise your torches. Shout after me: Long live human rights! Long live democratic politics! (*The crowd repeats these lines.*) Our proceedings tonight are now at an end. We have already gained a victory. Please put out your torches. Please everybody, extinguish your torches.

At about 9:00, Chang Chun-hung had tried to adjourn the rally (see above), but without success. Shortly thereafter, two groups of riot police, about thirty men in each, began pushing through the crowd, flailing their truncheons in an attempt to reach the podium. For a time there was shouting and chaos here and there. Because there was such a dense crowd, many people could not tell what was going on. One of the detachments was blocked by the crowd some distance from the truck, while another got within thirty yards before it was halted. Both groups of soldiers then simply stood in formation.

Shih Ming-teh: I hope the security police will constrain themselves and will not trample on the Taiwanese people. I warn the security police not to trample on the Taiwanese people. Take your weapons home, take your equipment home. This NT\$ 60 billion worth of equipment of yours is meant to fight our enemies, not to fight your fellow Taiwanese. I hope that tonight's events are finished now.

Chang Chun-hung: Please will the riot squads withdraw. Please will the squads retreat. We have already extinguished our torches. We have already put out our torches. Please don't take up your riot shields again. Our torches are already out. Don't raise your riot shields again. Please retreat, please make an orderly withdrawal. Do not charge again. If you charge again, then you must be responsible for the consequences.

Voices from the crowd: Light the torches, light the torches.



Anti-riot police advance toward the demonstrators. Notwithstanding government claims to the contrary, they clearly arrived well prepared for combat.

Chang Chun-hung: Put your weapons down, put your weapons down. Police squads, don't attack. Don't attack our people. Don't fight, don't fight, we are all Taiwanese, don't fight, we must not fight each other.

Voices in the background: Surround the squad! Surround the Squad! Attack! Soldiers, don't run!

Chang Chun-hung: Police squad, run away. Go away. Go away quickly! I give the security police and riot squads a clear warning: Withdraw, withdraw!

Taiwanese people shout after me: "Long live the Taiwanese people. Long live the Taiwanese people."

Dear fellow Taiwanese, now I ask the founder of the newly formed Women's Movement, Ms. Lu Hsiu-lien, to speak to us. She is going to talk about the future of Taiwan. Will you please applaud her.

Ts'ai Yu ch'uan: Dear fellow Taiwanese, let us first sing a song. We shall sing: "We shall overcome." I will say the words first. One, two, three, now altogether, everybody sing. (*They sing the song several times.*)

Some voices from the crowd: Can we beat up those people over there, those so-called "anti-communist heroes?"⁴ They are singing *another* song. they are singing a Chinese Nationalist song! (*A song called "Meihua" is faintly audible.*)

Calls from the crowd: K'ung Ling-ch'eng resign! Police Chief Li Wei-ch'iao resign! Chief of the Kusan police station Sung Kuo-shan resign! You three police officers resign.

Lu Hsiu-lien: Dear fellow Taiwanese, my fellow Taiwanese, all you people with a conscience and with compassion: My name is Lu Hsiu-lien, and I am from Taoyuan. Today, December 10, is International Human Rights Day. For thousands of years Taiwanese have never had a chance like they have today. Today we have a chance to give resounding expression to our burning desire for justice, to cry out our demand for human rights. Today is a great day. I ask you to applaud loudly and enthusiastically to show your support for our cause. The founder of our nation, Sun Yat-sen once said: "People's rights don't fall from heaven, you have to fight for them." Human rights don't come automatically, they don't come by themselves, they have to be achieved with our sweat, with our blood, and with all the strength we have in our beings.

Dear members of the security police, be not deceived. You are human beings too. You are Taiwanese. You have blood, you have tears. Don't you feel ashamed of what you are doing today? It is extremely clear what you are doing: Today you have already gone against many of President Chiang Ching-kuo's own teachings. Your behaviour today has been very violent. You have brought disgrace to Prime Minister Sun's words [to the Chinese Communists]: "In politics learn from Taipei." This is what Prime Minister Sun said, and you have made him lose face. If you continue this disgraceful behavior now, you will make the people on the other side of the Taiwan Straits laugh until all their teeth fall out. You are not counter-attacking the mainland. Rather, you are providing the communists with good propaganda!

Dear members of the security forces, I know that you are wearing helmets, you are wearing uniforms. But without your helmets, without your uniforms, your hearts are the same as

4. "Anti-communist heroes" (*fan-kung i-shih*) are supporters of the Chinese Nationalists who often engage in acts of violence against democratic activists. The government takes a benign view of their conduct, and never prosecutes them.

ours, your blood is the same as ours. Please, before you leave, remove your helmets, forget your uniforms, and be Taiwanese too. I can see inside your hearts today, perhaps you are doing this willingly, perhaps you are doing what you do not want to do. Perhaps you are being deceived. It doesn't matter. The taxes of eighteen million Taiwanese people should not be used to trample our Taiwanese people, but rather against those on the other side of the Taiwan Straits.

(There is much disturbance in the crowd.)

Su Chih-fen: Dear brothers and sisters of Kaohsiung: All of you who have a sense of justice, please, all of you, keep calm! My name is Su Chih-fen. Now I will lead you in singing a Taiwanese folksong. The name of the song is "May You Come Back Soon." It is my hope that all our political prisoners may soon be able to come back home. Please, you people in the front, be quiet. *(They all sing.)*

The crowd: Release the political prisoners! Release the political prisoners!

Unidentified voice: I would like to invite Ms. Su to sing another Taiwanese folksong, "Waiting for the Spring Wind." The song reflects the hope of our Taiwanese people; we are waiting for the spring wind. This will be the Taiwanese people's victory, this is the Taiwanese people's hope. *(All sing the song.)*

A voice in the crowd: We made a big mistake; we ought to have gone straight to the Ta-tung Department Store.

Another unidentified speaker: For three centuries the Taiwanese people have not been united; now we must unite. Let us sing a song of human rights. The song is: "Love Taiwan, Fight for Democracy."

Now I ask Mr. Chang Ch'un-nan, who is a [former] member of the National Assembly, to speak.

Chang Ch'un-nan: Dear fellow Taiwanese, just now a most unfortunate thing happened. All of us here saw it occur. It so happened that I was pushed to the fringe of the crowd a few minutes ago and I saw it, so I want to tell you what happened: I saw people beating up some members of the riot police, and

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one of the policemen had to be taken away by ambulance. This is a most unfortunate thing to have happened. Another two riot policemen have also been slightly injured. I rescued them, because they were surrounded by the crowd. I told the police to stay away from the crowd, lest such a thing happen again. So they are now standing a bit further away from us, and I would urge them to remain there. I ask them to stay there quietly and not pick any fights with the crowd.

Chang Ch'un-nan then proceeded to recount what had happened earlier at Kaohsiung Circle. (His first words were unintelligible on the tape recording.) The police kept pushing forward. It was very tight. Because they released tear gas from the riot trucks, we had to get out of there. We had no other choice. They had detonated their poisonous tear gas. We had to leave. What else could we do? But the riot trucks blocked the roads on one side to prevent us from retreating. So we were forced away from the tear gas on one side, but at the

same time the other side was blocked. What could we do? We had no choice but to break through the police blockade. This is how it happened. *(Applause)* Thank you, thank you. That is how it happened. We certainly don't want it to happen again, and it is very likely that they want it even less. So I give warning to the riot troops and the secret police not to behave so stupid again.

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In the old days, when an army was attacking a fort, they only attacked one gate, leaving the other three gates as escape routes for the people inside the fort. However, the riot squads have all these weapons and all these police batons—which in fact have been purchased with our money—and they are surrounding us and won't let us escape. They even detonated tear gas against us. That is indefensible. They trapped us here. Obviously we were not pleased, but I think that it is all over now. They are behaving better now, and they are being more sensible. They are standing over there, a bit further off. They are not obstructing us, and I believe that from now on they will not obstruct us. *(Applause.)*

Chi Wan-sheng: Dear friends, the Chinese Nationalists have ruled Taiwan for three decades. They keep on telling us that we must all love our country, but what about the KMT people themselves? They only love themselves, but they tell us that we must love their country. For thirty years they have taken our taxes, but we have no one to oversee their spending. The KMT Provincial Chairman wrote a book entitled *What the People Should Know in Everyday Life*. He tells us how we should eat, how we should walk. And what happened? He ran off to the United States himself! The chairman of the Department of Social Services of Taipei city and the chairman of the Taipei section of the KMT are both living in North America! The KMT talks about counterattacking mainland China, but what they have in fact been doing is invading mainland America!

Now I want to introduce Mr. Li, who has just contributed NT\$1,000 to our human rights cause. Will you all applaud, please, and welcome Mr. Li.

The KMT retreated from mainland China and came over to Taiwan. But here none of their decisions have been made in a democratic manner. They left the United Nations; they left the Olympic Games, and each time they collected money from us in their mandatory national fundraising campaigns. We have been subject to so much of their propaganda, but have they acted according to it themselves? Many of their Foreign Service Officers have left the country and have not returned. The Chairman of the Fourth Section of the KMT Central Committee went abroad and did not want to return.

Dear fellow Taiwanese, the KMT tells us that if it weren't for them, Taiwan would never have been liberated—and they even expect our gratitude. True, in 1945 Taiwan returned to the bosom of China, but in 1949 the KMT officials of all the 35 provinces of China returned to the bosom of Taiwan. *(Loud applause from the crowd.)* The people who handed Taiwan over to Japan in 1895 were not our Taiwanese ancestors: it was a Chinese named Li Hung-chang. The KMT's war against Japan was not on behalf of the Taiwanese

people. It was a war they could not avoid. They say that to get Taiwan back to China was the duty of the Chinese people. Every year on Liberation Day, the KMT asks for our gratitude, but we know that if it weren't for Taiwan, it would have been all over for them in 1949. We know that Taiwan is our homeland. We certainly should not have the mentality of being slaves to the KMT. We must fight for our home ground. We are certainly not going to become boat people, as Prime Minister Sun said we would. Thank you all.

Unidentified voice: Lin Chui-hung, please go to the *Formosa* office.

Yao Chia-wen: Ladies and gentlemen, I am lawyer Yao Chia-wen. Will you please listen carefully. I want to say one or two important things. There are many friends here who, because they have been ill-treated by the KMT, are demanding that we continue our march. But, dear friends, we must trust the decision of our leadership. We are struggling for our human rights. We are struggling for our political rights, we are not afraid. But we cannot solve this in a brawl. Those people who are obstructing us are all Taiwanese. Why should Taiwanese be used to obstruct Taiwanese? What is the point of our fighting each other? Let us calm down and think it over. We must reflect on the political problems which exist between the KMT and those outside the Party. I understand you all. But we must demonstrate that we are calm and rational. We must show that we can do more than just fight. We must use peaceful means to struggle for our human rights and for our political rights. We must all calm down. I hope that those non-Party people there in the back will be quiet and listen to some exciting political speeches. Thank you for your cooperation.

I hope that the riot troops will not make any arbitrary moves against us. I ask the riot squads to withdraw, so we can have a peaceful meeting. Don't clash with us. Please, gradually withdraw.

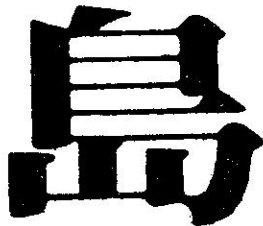
Wang T'o: Dear friends, a friend here just donated NT\$1,000 for the two injured people and for political prisoners. I hope that we will *all* send our love to our fellow Taiwanese, to all those in prison and to their families.

The crowd: Yes! Right on!

Wang T'o: I now ask Ms. Lu Hsiu-lien to speak to us.

Now Mr. Wu has contributed NT\$1,000. Ms. Lu. (*Applause.*)

Lu Hsiu-lien: My dear fellow Taiwanese; my dear fellow citizens of the Republic of China: Since December 16, 1978,



when America and Taiwan broke off diplomatic relations and the United States recognized China, there has been a great change both in international relations and in the internal affairs of Taiwan. This year it has been very exciting on the international political stage: Dictators all over the world have fallen one by one. This is quite clear. We all know this.

A voice (apparently from in front of the platform): Tonight is going to be a real mess.

When early Portuguese sailors first saw Taiwan, they described it as *ilha formosa* (beautiful island). From this is derived the island's western appellation "Formosa," a term looked upon with favor by many Taiwanese, but eschewed by Chinese. The Taiwanese version of the expression, *Bi-le-do*, was adopted by the movement (and magazine) which came to life in 1979. The ideographs appear on these pages.

Lu Hsiu-lien: This happened in Africa, in Asia, in Central and South America, and also to President Park of South Korea, who was considered a good friend by the Government of Taiwan. (*Applause from the audience.*) One night his life was taken by the head of his own secret police. I believe this is something we all know. Possibly the authorities of Taiwan may feel that we outside the Party are a nuisance. But unlike them, we rely upon words, not guns. Does this not make us superior? (*Applause.*) On the international scene, many leaders have been toppled, exiled, or even assassinated. These are complex changes. It is an extremely sad thing that people die, but these people were all notorious tyrants. When they were in power they were all terribly cruel, so when they were removed from the scene people were not grief-stricken, but rather were thankful.

Here on Taiwan, the Kuomintang has done many inappropriate things. But now the Taiwanese people have gained new understanding of the situation. They have come to know what democracy really is, what the rule of law is, and what is meant by human rights. So gradually, over the last thirty years, the Taiwanese have begun to express their dissatisfaction with the way in which the Kuomintang has had contempt for the people. During the past year the democratic movement, with the non-Party people at its center, began to gather strength like wild fire.

Thus, many friends, who were keenly interested in these things, began to cooperate with the non-Party movement.

Many people were startled by this new development, and some were unhappy with what they saw and could not understand. Just when the party in power was stressing the importance of having a "settled society," there was this group of horrible non-Party mosquitoes who did nothing but disturb their peace and quiet!

I want to take a little time to explain this situation to all of you. Why are there these foolish people all over the island who are not afraid of sweat or suffering, who don't even take proper care of their wives and families? Some people say that the non-Party people are ambitious. Others say that the non-Party people are "fractious." But I would like to ask, where is the ambition of the non-Party people? In what way have the non-Party people been fractious?

Today everyone has seen those who are driving the riot trucks that now surround us: they are all our own Taiwanese people. Those who use the Taiwanese people to attack us Taiwanese people, they are the "fractious" ones. If the non-Party people have any ambition, their ambition is to repossess the political power which has been taken without the approval from the Taiwanese people, and return it to our eighteen million people. Doesn't this kind of ambition deserve the support of everyone? (*Applause.*)

Crowd: That's right! That's right!

Lu Hsiu-lien: In fact, the non-Party people have no personal ambition at all. You could almost say that they are therefore foolish. Do you think that any one of us, including Mr. Huang Hsin-chieh and Mr. Chang Chun-hung, or any of the other non-Party members, lead a soft life? Why do I ask this? Two years ago, I went to the United States. I could have stayed there to live a comfortable and easy life. But, because I heard that the United States and Communist China were about to come to an agreement, I realized that my native land, where I was born and where I grew up, was like a ship about to sink. I could not eat, I could not sleep. I gave up my work towards my Ph.D. and I gave up all the comforts of my American life, and returned to be with you all. Why? I will tell you.

A year ago today, we were just in the process of electing the members of the National Assembly, and I was a candidate. I shall always remember that December 10, 1978. There was a political meeting at which speeches were made. It was in the village of Ta-hsi. At the temple there was a celebration of a great festival; in every household they killed pigs for this celebration. In front of the platform from which I was speaking, a sea of people stretched out in front of me. They had not come to hear my speech, they had come to eat pork. They were all watching the celebration in the temple. As I was standing there on the platform, I was speaking—and I was weeping. Why should Lu Hsiu-lien want to cry at such a time? Of course you realize that this was no gimmick. So why couldn't I stop weeping?

Before me I looked out upon an altar which had been built at the cost of NT\$400,000. Before it there were a great many pigs which had been slaughtered and taken there for an offering. Everyone was eating pork and getting fat! It was as if the people thought that by eating pork they could keep Taiwan safe, and they could save their own skins too. I thought, how can our Taiwanese people be so foolish? So there I was, speaking and weeping! Because I was crying, others there, who were listening to me, also started crying. Then I noticed something very interesting: the police in the two or three cars who were keeping an eye on the meeting were crying as well!

You, security police in the back there, who have come here



Truck from which speeches were made. Signs call for freedom of speech and economic justice.

to act according to the orders from your superiors: I know that there is a great struggle going on in your hearts right now. I know that it is because you just follow orders that you have come here; but you should not forget that if the "law" is against the will of the people, if your orders actually contravene the law and the constitution, then the orders themselves are against the law and the constitution. So you must act as your conscience tells you. You ought to stand together with the people of Taiwan, to whom Taiwan belongs.

The crowd: Yes, yes!

Voice: The riot trucks are coming closer again!

Taiwan's International Status

Lu Hsiu-lien: Dear friends, I have written a book titled *The Past and Future of Taiwan*. I am sure that many of you have read it, and some of you have in fact discussed it with me. I want to take a few minutes to tell you about the type of democracy which we, the non-Party people, want. We know that our homeland, Taiwan, is in great danger. You all know that there is the so-called "problem of Taiwan." Do you know the history of Taiwan? We are Taiwanese, and our ancestors have worked hard on this land, but have you heard about the history of our country? Have you heard people talk about the uncertain legal position of Taiwan? Do you know that Taiwan is an orphan on the world political scene? Are you not aware that Taiwan is an international orphan?

In 1895, eighty-four years ago, there was a civil war in Korea. The government of Korea was not able to defend itself, so they asked China to protect them. The Japanese government used this opportunity to attack China. According to the peace treaty which was agreed to at the end of this war, the Taiwanese people became "Japanese" people. Do you remember this bit of your history? What quarrel did we Taiwanese have with the Japanese, or with the Koreans, or with the Chinese? Why should our grandfathers, our uncles and our aunts become "Japanese" just because of a civil war in Korea and an act of the Chinese, who did not even consult the Taiwanese people? Later—51 years after Taiwan had been ceded to Japan—the Japanese abandoned Taiwan as a result of the outcome of the Second World War, and following this, we Taiwanese changed from being "Japanese" to being "Chinese."

Here some legal questions arise, and I want to tell you about them. About two years before the defeat of Japan the United States, Britain, and China issued a joint statement [the Cairo Declaration of 1943] expressing the hope that after the surrender of Japan, Taiwan would be returned to China. However, after the Japanese surrender, the Korean war broke out. The United States then discovered that it could not withdraw from involvement in Asia, so President Truman made a statement emphasizing that Japan had merely *given up* its claim to Taiwan. Thus, by the terms of the peace treaty [of 1951] Japan relinquished Taiwan and the Pescadores, but it was not specified to whom they were given.

So, according to international law, the legal position of Taiwan was not settled. In other words, the Taiwanese had been abandoned by their own parents, who handed them over to foster parents—the Japanese. But our foster parents lost the war and were powerless to nurture us any longer, so they abandoned us too. However, our own parents did not have the right or the strength to take us back and look after us. This is the Taiwan on which we are standing now!

In the Shanghai Communiqué [1972], and in the statement made at the end of last year by the Chinese Communists

LATE-EVENING SPEAKERS

Lu Hsiu-lien: Harvard-educated legal scholar and a leading feminist.

Chang Ch'un-nan: Former member of National Assembly.

Chi Wan-sheng: Active with *Formosa Magazine*. From Puli, in Nantou County.

K'ang Ning-hsiang: Legislative Yuan member; the most moderate of the non-Party leaders.

Huang Hsin-chieh: Legislative Yuan member. The "grand old man" of the *Formosa* group, but not involved with the magazine on a day-to-day basis.

and the Americans, it was stated that the United States acknowledged that the Chinese on both sides of the Taiwan Straits hold the view that there is only one China, and that Taiwan is part of China. The United States expressed its hope that the Taiwan question could be settled peacefully.

Please note that the attitude of the Communist Chinese and the United States regarding the status of Taiwan had changed. First the American government had said that they felt that Taiwan was part of China. However, when the peace treaty with Japan was signed, the United States changed its attitude, and stated that Taiwan was to be taken from Japan, but could not be returned to China; they were of the opinion that it was to be left to the United Nations to settle that point, or that it was to be settled between Japan and China. More recently, the United States changed again: now they say that they realize that the Chinese on both sides of the Taiwan Straits hold the view that there is only one China, but that Taiwan is part of China. However, the Americans did not use the word "recognize." They only said that they knew and "acknowledged" that both the Chinese Nationalists and the Chinese Communists hold this view. The U.S. did not say whether or not it agreed with this view. Furthermore, the U.S. now did not say that the Taiwan problem should be settled by the United Nations. It now said that the problem should be settled by the Chinese on both sides of the Taiwan Straits, and that it is not for any third party to settle this matter—nor should it be settled by force of arms. So this is the most recent position of the Americans on this matter.

However, there are two problems with regard to the American acknowledgement that the Chinese on both sides of the Taiwan Straits say this. I would like to ask whether the Chinese on both sides of the Taiwan Straits includes us here. If it does, then by what body or organization, and through what channel has our opinion been consulted?

The crowd: None at all! None at all!

Lu Hsiu-lien: May I ask whether our National Assembly, our five Yuans, our Provincial government, or the authorities in the counties, cities, or rural and urban districts can fully represent us? I think we all know what the answer is! Secondly, the American statement said that the Taiwan problem should be settled peacefully by the Chinese people. I want to ask you all, in our present situation as an orphan in the international arena, what chance do we have of getting a peaceful settlement? When we want to compete in football or other sports in the Olympic Games, we are disqualified,

rejected. In this type of situation, how are we going to be able to talk about a peaceful solution? What capability do we have to discuss weighty matters of international affairs? I ask you, who is qualified to represent our eighteen million people and negotiate a peaceful solution? Who is qualified to represent us and fight for our rights?

Call from the crowd: We ourselves will fight for our rights.

Lu Hsiu-lien: Has the KMT government the full legal authority to represent the opinions of the eighteen million Taiwanese people? Please answer me! Can the present members of the National Assembly and of the Legislative Yuan represent us? Can the members of the Provincial Assembly and the five *yuan* [branches of government] represent the eighteen million people of Taiwan?

The crowd: No! No!

Lu Hsiu-lien: Under these conditions, when, on the one hand, we ourselves have no power to discuss conditions of peace, and, on the other hand, when those who would participate in discussions of peace for us do not represent our views, who is in a position to settle the problem of Taiwan?

The crowd: We ourselves!

Lu Hsiu-lien: Look up at the sky, look down to the ground; isn't this heaven and this earth the place where our ancestors worked in pain and suffering in the hope that they could give it to us, so that we, and our children, and our grandchildren could live here forever in peace and prosperity? Have we ever had a time when we ourselves were masters in our own house? Isn't it true that we have always been slaves, subject to the whims of others? We have never overcome!

Now we are face to face with a great crisis. You all know that last year, on December 16, the United States announced that it was establishing diplomatic relations with Communist China, and that the security and defense agreement between the United States and the Republic of China [Taiwan; hereafter "ROC"] would be terminated at the end of this year. In other words, today being the 10th of December, in another three weeks the treaty will end.

What is this treaty of defense between the United States and the Republic of China? According to this treaty, the United States and the ROC both have the responsibility to

"We cannot afford dissent."

—President Chiang Ching-kuo

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protect each other. That is, each has the responsibility to help preserve the security of the other. During the period when this treaty was operative, the United States has made a very considerable contribution to the preservation of the security of Taiwan. The help which they gave us has been very great. However, the ROC had to observe one condition very carefully: If, for any reason, the Republic of China should wish to make an armed attack against the mainland, then it must first get the United States' agreement. We have been very good about this. We have always observed this condition, and that is why we have not yet counterattacked the mainland!

On December 31 of this year this treaty will come to an end. The result is that the United States will have no further legal responsibility or be bound in any way to protect the security of Taiwan. If the people from the mainland are greedy and want to take our land, it will be very difficult for the United States to intervene. Seen from another angle, if

there is any change in the security of Taiwan, this will affect our lives, and the happiness of our children. On the other hand, there has existed the possibility that the situation may improve, for, according to the treaty, the Republic of China has had the duty to refrain from counterattacking the mainland. As I see it, in 21 days the ROC will not be bound by the treaty any longer, and will be free, at whatever time, whenever they feel the time is ripe, whenever they have the strength, to attack the mainland.

Related to this, Prime Minister Sun said something very interesting. This is very significant, so I will take the opportunity to tell you about it. Prime Minister Sun said: "We must seize the present opportunity, and take our future in our own hands." Prime Minister Sun also said: "If we are to unite with China, then in politics the mainland must follow the example of Taipei." He has also said: "If today we do not become the champions of freedom, then tomorrow we will be like the boat people of Vietnam."

All this is well and good. However, if we examine Premier Sun's three statements closely, we find a few problems. First, to say that we must seize the present opportunity and take the future in our own hands sounds like fine, tough talk. However, it reminds one of the man who, not having eaten for a month, does not know whether he will survive the night—he had better not concern himself with the question of whether he will live to the age of 120! Now, just think of our situation: Of the more than one hundred nations in the world, there are now only twenty or so who maintain formal diplomatic relations with us. None of the others recognize us at all! And as for those who are still our "good friends," they are either tiny friends, or bad friends.⁵ In international affairs we have been driven out of one organization after another. Under these conditions, if we can't even seize the present opportunity, how are we going to take the whole future into our hands?

Premier Sun said that in politics the mainland should learn from Taipei. We all understand quite clearly what *he* means by this. But when I think of this meeting here tonight, it seems to me that the Chinese Communists should not be learning from Taipei, but they should be learning from Kaohsiung! (*Applause.*)

The crowd: That's right! That's right!

Lu Hsiu-lien: I don't think that the people on the mainland will be willing to learn from Taipei's thirty years of martial law; I don't think they will be willing to learn the way in which rich people evade taxation and become economic criminals, while the poor people must pay their taxes with great suffering. I think that, if the Chinese Communists were to really learn from Taipei, then if one day, when the time of general elections comes for the one billion Chinese in Communist China, and if the Communist Party believes that it couldn't win the election, it would simply announce that the elections were cancelled. (*Applause.*)

(The above remark is an apparent reference to the elections which were scheduled for 1978 in Taiwan. These were cancelled in the final days of the campaign. The ostensible reason for the cancellation was the American recognition of the People's Republic of China, placing US-ROC relations on an unofficial basis. However, many Taiwanese believe that the real reason for the cancellation was that the election prospects of the non-Kuomintang candidates had appeared to be very good.)

Some people say, if we compare the level of politics in Taipei with that in Peking, then Peking is the true example of an inferior man, whereas we are a fake of a princely man. The inferior man will tell you directly: "I am not democratic, I am a rogue." The fake princely man will say: "We are a democratically controlled country, I will uphold the constitution, I will put the 'Three People's Principles' into practice." Now what is the result? You see it here tonight!

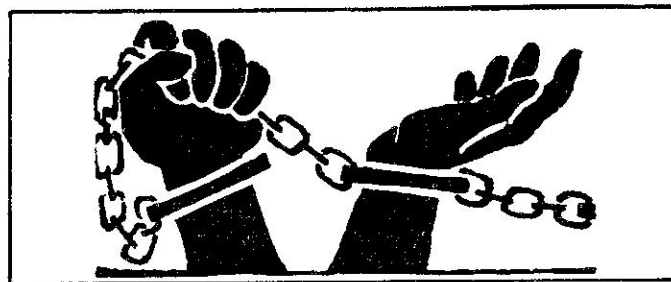
Article 11 of the Constitution of the Republic of China reads as follows: "The people shall have freedom of speech, teaching, . . . and publication." They have "freedom of assembly, and of association."⁶ But friends, today many newspapers reported that the [pro-KMT] Chinese Association for Human Rights is able to celebrate Human Rights Day in Seh-jen Hall, undisturbed. Why is it, then, that we Taiwanese are forbidden to hold a human rights meeting? Such a great number of people have come together here! It is not that in politics one should learn from Taipei. I think that it should be changed to read: "In politics we should learn from Kaohsiung."

People in the crowd call out: Yes! Yes! That's right!

Lu Hsiu-lien: They should learn about the courage of the people of Kaohsiung; they should learn about the determination of the people of Kaohsiung; they should learn about the political strength of the people of Kaohsiung! (*Applause.*)

Since the United States and Communist China established diplomatic relations, Prime Minister Sun has often said: "If today we do not become the champions of freedom, then tomorrow we will be like the boat people of Vietnam." He has said this over, and over, and over again! But, friends, Premier Sun said it to the wrong audience! This should not have been said to the people of Taiwan, it should have been said to the KMT government, to the military, to the police, and to the secret police! Why do I say this? Because the eighteen million people of Taiwan have been struggling for freedom from the time of their birth. If it weren't for the sake of freedom, our ancestors would not have needed to leave their homes to come to Taiwan with such suffering. If it were not for the sake of freedom, then our two million mainland friends would have had no need to follow the KMT government, leaving behind wives and children, to come to Taiwan. Thus, the eighteen million people of Taiwan were born to struggle for freedom. (*Applause.*)

All who identify themselves with Taiwan, all who are willing to live and die in Taiwan, are champions of freedom who will therefore never become like the boat people. It doesn't matter whether you speak Chekiangese or Cantonese, or for that matter Uigur—inasmuch as we are all in the same boat, we should learn to love each other. Our bonds should be of the heart. Should we not take each other's hand, and



6. The latter rights are specified in Article 14 of the constitution.

7. Chinese Nationalists who have prepared a contingency home in the United States or elsewhere, and supposedly have only to pack their toothbrushes, are popularly known as "toothbrush" people.

5. Lu is referring to right-wing Latin American dictatorships, and to South Africa.



Police detonate gas. In addition to tear gas, the police used another, even more noxious type. (This photograph was taken at the *Formosa* intersection at approximately 10:30.)

struggle together for the future of Taiwan? (*Applause*)

So today, it is not we Taiwanese who are exiles. The only "boat people" here are that small minority who do not regard Taiwan as their homeland, who do not treat the people of Taiwan as their brothers and sisters—the "toothbrush" people⁷ who are now in control of Taiwan! (*Loud applause.*) So, this line of Premier Sun should not have been addressed to the people of Taiwan; it should have been addressed to those who are meeting this very day in the Central Committee of the KMT. It should have been said to them, and it should have been emphasized to them, so that they could have repented their behavior. They should really learn what true freedom is; what real democracy is, what human rights are! On the one hand the KMT keeps saying "freedom, democracy, and human rights," but on the other hand it sends a large number of troops to surround us here, to use fire hoses to attack us, and to hit us with electric cattle prods.

Friends, three weeks from now this country will be facing a deep crisis. The United States, which for thirty years helped us, has now abandoned us. Actually, we may have relied upon this imperial nation too much. This friend helped us for three decades, but then proved unreliable. So now we must put all of that behind us.

We are now thirty-five years old. Do we want to be independent or not? Do we want to protect this land or not? This land is ours! If we are not going to protect it ourselves, who is going to protect us? If we are to be happy and prosperous, then, three weeks from today we are all on our own! From now on, we must give this everything we've got! We should not think all day just of meeting girlfriends; we should not just think: "Next month our son is getting married." There is a saying: "If there is no skin, no hair can grow." There is another saying which says: "It is no good looking for whole eggs in a nest which has fallen from the treetop." If our country is destroyed, then our own individual happiness also ends. Friends, we know that our grandfathers and our great-uncles were changed from being "Chinese" to being "Japanese" without being consulted. Later, these "Japanese" became

"Chinese" again. Perhaps in the future there will again be this or that change, but this would be in complete contravention of our human rights! We, who are here today struggling for human rights, must give our utmost for our homeland.

At this point disorder appears to be breaking out.

Shouts from the crowd: The riot troops are coming! The riot troops are coming!

Beginning around 9:30 a convoy of twenty-three riot trucks began moving north from the area of Ta-t'ung Department Store. The crowd in front of the Formosa offices could hear the rumble in the distance as they approached. By 10:00 the vehicles were beginning to press in on the southern fringe of the crowd in Sun Yatsen First Road.

Chang Chun-hung: Dear friends, dear fellow Taiwanese who are here tonight out of your concern for human rights: Our activities today are now finished. Please remain quietly where you are standing now. Dear Taiwanese soldiers, do not approach any closer. Although I know that you really love to hear our speeches, please do not come any closer, so as to avoid clashes. Dear friends— (*There are serious disturbances. People are shouting Sticks! Sticks! Prepare your materiel! Chang Chun-hung continues:*) Please remain quiet! (*Crowd: Our sticks are ready!*) Stop! Stop! (*The police squad apparently is closing in.*) No one move! No one move! (*This is repeated sixteen times.*)

Wang T'o: Please ignore the soldiers. Let us shout some cheers.

Mr. K'ang Ning-hsiang will now speak to us: he is the publisher of the magazine *The Eighties*. (*Applause.*)

K'ang Ning-hsiang: Long live Taiwanese democracy!

Various voices from the crowd: Long live Taiwan!

Long live Taiwan!

Long live Taiwan!

Come on, K'ang Ning-hsiang! Come on!

Down with secret-police rule!

Oppose the secret police!

T'ao Pai-ch'uan Speaks Out

During the winter and spring of 1979-80, when the Chinese Nationalists were running roughshod over the rights of the Taiwanese, most members of the ruling Kuomintang remained silent. There was, however, at least one notable exception.

Elder statesman T'ao Pai-ch'uan is often called "the Conscience of Taiwan." He was for many years an outspoken member of the government's Control Yuan, a watchdog agency, and has since been officially designated a policy advisor to the president.

Last April, Mr. Tao urged that the sentences of those convicted in connection with the Kaohsiung human rights rally be carefully reviewed. Calling attention to the sensitiveness of the matter, he indicated that in general it would have been better if the defendants had been tried in civilian courts rather than in military courts. He said that in reviewing the sentences various factors should be taken into consideration, such as whether or not the defendants had had seditious intent, and whether their confessions had been authentic. The latter was a reference to assertions that the confessions (which were repudiated by the signers during the trial) had been extracted by torture or other forms of coercion.

Challenging the government's assertion that this was a criminal matter, T'ao Pai-ch'uan insisted that it was political in nature, and said that a little introspection was in order on the part of the government. AFP20†22A80

Wang T'o: I ask Provincial Assemblyman Lin Yi-hsiung to say a word of greeting to us. *(There are shouts from the crowd, but Lin does not speak.)*

Now Legislator K'ang Ning-hsiang is going to address us.

Please come a little nearer, people. Leave the soldiers alone. Leave the soldiers alone; they are mad!

K'ang Ning-hsiang: Will you all shout three times: "Long live Taiwanese democracy."

It is most important for us here today not to clash with the riot troops, because that does not make sense!

The crowd: Right on!

K'ang Ning-hsiang: Remember, those riot shields which they are using, they were paid for by our taxes. Their vehicles were paid for by our taxes too. So what is the point of clashing with them? They are using the tax money that we paid to confront us! It does not make sense at all, it is completely useless. As I stand here tonight, I tell the commander of the riot troops, your behaviour tonight is a black mark on the history of Taiwan.

The crowd shouts: We agree! Right on!

K'ang Ning-hsiang: I want to ask the riot troop commander, will you please remain there quietly? Now I say: will the squad please leave slowly. Dear Formosa, dear democratic people of Taiwan, I ask you all here to be brave in facing the KMT. I am here tonight to struggle with you for our life and happiness; to fight for our democracy, so that our political system can be more democratic. That is why I face you all with confidence tonight. I hope that you will all continue to work hard for the happiness of all, and for a democratic political system in Taiwan. I ask you now to keep calm. Let us use peaceful means to gain a greater victory, so that our democracy may grow and grow. We did not come here to clash with the police, so I hope that all of us here will now quietly disperse. Commander of the riot troops, please do not take any more unprovoked actions. If you do, then I can only repeat what I have said before: you will be the first in the history of Taiwan—

Crowd: Long live Taiwanese democracy! Long live Taiwanese democracy!

Unidentified speaker: I know you are eager to hear Lin Yi-hsiung, whom I now invite to speak. *(But the shouts from the crowd drown them out.)*

Wang T'o: Dear friends, please keep calm. Fellow Taiwanese, do not use force. Dear friends, do not disperse—

Some of the riot vehicles were now pushing into the crowd, and making slow forays back and forth. Each time they passed through, however, people closed in behind them. The crowd was becoming increasingly angry. Finally, some people uprooted short metal-loop fences from the traffic islands, and set them in the street to block the return route of the vehicles.

Huang Hsin-chieh *(apparently addressing the riot squad):* What are you doing? Don't move! Don't be disorderly! You must take responsibility for anything that happens. Riot squad commander: I, Huang Hsin-chieh, am warning you: Don't do that! We are finishing our meeting. Riot squad commander, please cease your action immediately. If you continue, you will be held responsible! Please, all of you, come a little closer; let us sing a song, and be cheerful. Let us sing a song, and then we will all have a good night's rest. Let us all get some sleep; let us get some sleep.

Ts'ai Yu-chuan: Let us sing a human rights song. Human rights, human rights, we must all defend our human rights. Love Taiwan, love our Taiwan. *(Repeated three times, but fewer and fewer people are singing).*

Chang Chun-hung: Riot squad, please move back! Riot squad, I warn you, move back. Retreat, move back, squad commander, lead your squad back.

Huang Hsin-chieh: Now, on behalf of all the *Formosa Magazine* workers, I thank you for attending this meeting

"The Kaohsiung incident involved nothing but a handful of radicals who acted beyond the bounds of democracy. Our handling of the incident will teach them the real meaning of democracy."

—Premier Y.S. Sun

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tonight. Thank you. Tonight's rally organized by *Formosa Magazine* is now over. Thank you. (*Singing in background.*) Thank you one and all. The *Formosa* meeting is now concluded. Thank you. We shall meet another day.

Voice from crowd: Let us sing the human rights song. (*They sing it twice.*)

Huang Hsin-chieh: I thank you all very much. Thank you everyone. Tonight's human rights meeting is over, over.

Riot squad, do not make any more unprovoked attacks. We're finished now. Don't attack our people any more. If you do, you will have to take responsibility. I will not assume responsibility. Riot squad, get back! Don't fire any more tear gas! (*This is repeated several times.*) Stop it! Desist! No more tear gas! If you don't stop, you must take the full responsibility. Squad commander, call off your action. Friends of *Formosa Magazine*, call off your action. Do not throw your torches, or you will lose them! Dear brothers and sisters, look at how shamefully the KMT behaves toward our Taiwanese people! We protest! Long live the Taiwanese! (*Repeated several times.*)

Wang T'o (interrupting): Pay attention to the direction of the wind. The tear gas only blows in that direction. Taiwanese people, face the right way, and all of you people will be all right. Commander of the riot troops, you must take full responsibility for this.

Here and there, fights had been going on between soldiers and bystanders. Then the struggle against the riot trucks intensified. Their mirrors were broken off, and some attempts were made to light fires under them. The rally leaders were asked for gasoline from their trucks, but they declined to provide it. At 10:30, the riot troops began to shoot beer-can-sized cannisters containing a new kind of gas—a type which burns the throat and nose. These were fired closer and closer to the speakers' truck, each time exploding with thick, noxious clouds of gas. Finally, Shih Ming-teh and others were forced to abandon the area of the sound truck.

There was a real danger that, in a panic to escape from the gas, people would be trampled. However, there was no actual stampede. SPEAHR/International director Ch'en Chu was able to reach the Tung An Tang Clinic, in the same building as the Formosa offices, to be treated for nausea and burning caused by the gas. She was not seriously injured, but others were. Some faces with blood on them could be seen. (The next day, over thirty persons reported to the Formosa offices that they had been injured by the troops. This, of course, would not account for the total injuries.)

Various voices from the crowd: Go on with the speeches, go on with the speeches. If there are no speeches then the meeting will break up.

Sweet potatoes arise! KMT, you are using Taiwanese to attack Taiwanese.

Bring gasoline! Bring gasoline!

Wang T'o: Commander, do you remember the burning of Changsha? If you make such a mistake tonight, you will be shot. The KMT will shoot you! The KMT government will hold you responsible!

Various voices from the crowd: Don't stop talking. Don't stop the speeches.

Wait until after the fighting; then we will have speeches again.

Wang T'o: The KMT is disgusting; we demand that the squad commander come out. The eyes of the Taiwanese people are watching you! Please, squad commander—

Voices from the crowd: Forward at them, forward! Strike back at them! (*Screams.*)

Wang T'o: Don't discharge any more gas! Just let the squad commander come out and talk! That will be enough! Police, go away! Riot squad, your parents are here, your brothers, your sisters—you must not attack your parents! Let us all shout: "Squad commander, go away; squad commander, go away; squad commander, go away." KMT, do you want to make world headlines? Squad commander, do not attack us. For our people's sake, do not attack us!

Voices from the crowd: Long live the Taiwanese people. (*Repeated five times.*) We shall protest! We shall protest!

In a pincer action, riot police converged from both north and south, firing gas as they advanced. Around 11:40, the last remaining civilians slipped away into doorways and alleys. □



EPILOGUE

During the course of the disturbances, a few police and an unknown number of civilians were injured. (On this subject, see SPEAHRhead 6/7, pp. 4-5). The government soon tightened the already strict control of the press, and issued a false report that 183 police and no civilians had been injured. On the basis of this, they arrested many of the leaders of the democratic movement. Among the major figures involved in the rally, all except K'ang Ning-hsiang and Tung Ts'ung-ling were taken into custody. Those who were given the longer prison terms are listed below.*

Shih Ming-teh	life sentence
Huang Hsin-chieh	14 years
Yao Chia-wen	12 years
Chang Chun-hung	12 years
Lu Hsiu-lien	12 years
Fan Cheng-yu	6½ years
	On appeal, reduced to 4 years
Chou P'ing-teh	6 years
Wang T'o	6 years
Yang Ch'ing-ch'u	6 years
	On appeal, reduced to 4 years, 2 months
Ts'ai Yu-ch'uan	5 years
Chi Wan-sheng	5 years
	On appeal, reduced to 4 years, 6 months

The above includes only those who gave speeches. Altogether, perhaps a hundred people were arrested in the wake of the rally. (See list—which contains some inaccuracies—in *SPEAHRhead* no. 4/5, p. 7.) Approximately half of these were released. The remainder were given prison sentences, including three who allegedly had some responsibility for the rally: Lin Yi-hsiung (see *SPEAHRhead* no. 6/7 p. 27), Ch'en Chu (see *SPEAHRhead* no. 4/5, p. 14; no. 6/7, p. 3; no. 8, p. 3; and no. 10, p. 3), and Lin Hung-hsuan (see *SPEAHRhead* no. 9, p. 6). All three received twelve-year sentences.

*Chang Ch'un-nan was not detained until the summer of 1980. After his release, he was an unsuccessful candidate for Legislative Yuan. Mr. Chang was rearrested in January 1981.

Taiwan's New Election Law

By HU FU

For those who believe in free elections as mandated by the Article 21 of the Universal Declaration of Human Rights, Taiwan's new Elections Law is a cause of considerable concern. The following is the transcript of remarks made at a forum in Taipei held just before the adoption of the law. It details some of the legislation's faults.

Prof. Hu teaches political science at National Taiwan University.

The discussion meetings on the law on elections and removal from office taking place between *United Daily* and *China Forum* have great significance. The other day, friends of the *United Daily*'s special column section all expressed the hope that our meetings, guided by theory, could get down to discussing the proposed law's clauses. After this draft goes before the Legislative Yuan, the main debate will still be on the clauses, but let us hope that our discussions on the *issues* will give the Legislative Yuan members some points to refer to.

I think that in general, the present draft drawn up by the Ministry of the Interior has made some progress, at least compared to the original drafts. The previous drafts had some points which completely contravened existing law. They had some basic faults, such as the principle of collective guilt on the part of errant candidates and their aides, all of whom would be liable for punishment. It was also mandated that discussions could not be contrary to the Constitution, harm national interests, and so on. Not only are these incompatible with the concept of a modern constitutional government and criminal law, they are also very difficult to identify and enforce. This recent draft has got rid of almost all of these unreasonable points. Concerning sentences, the previous drafts nearly all increased them to a maximum of seven years, while the present draft has revised this considerably to a maximum of five years. I think that the special penalties under election law should not differ too markedly from the principles of punishment under penal law. Adding two years to the maximum sentence does not necessarily have any great practical effect. Certain regulations on sentences in this latest draft call for five years, and this is progress. Of course in our discussion here today, we should certainly mention the good points of the draft, but the main goal must be to make it even more complete and progressive. As Professor Li Hung-hsi has said repeatedly, not only is the exercise of the people's rights very important, but considering the general political development of today's society, the development of the law must catch up with the times.

Recently there have been some unfortunate incidents in the politics of our country, but the government has stressed repeatedly that it wants to continue along the path of constitutional government. This is a very correct decision. Therefore I feel that today the formulation of a law on elections and removal from office contains an even deeper layer of significance, which is that the government wants to show by this law their sincerity and determination in taking the path of a democratic, constitutional government, and to let the society

have a true understanding of this.

Recently I have heard some unsubstantiated rumors, such as that the government's handling of the Kaohsiung Incident was planned so that it could be used politically to influence the elections. Of course this cannot be believed, and the government understands very clearly that the way to eliminate this kind of harmful scandal is to make the law on elections and removal from office even more complete and progressive, to show that it had absolutely nothing to do with that incident. Elections are the normal path of democratic politics, and the Kaohsiung affair was only an unfortunate violent incident. The two cannot be lumped together and talked about in the same breath. But if they want to clear this up, if the opportunity could be seized to formulate a law on elections and removal from office, that would be an excellent way of doing it.

Regulations Still Unclear

I have some ideas regarding this draft, and I put them forward for everyone to refer to. I turn first to Part One, on the organization of the elections and the qualifications of the committee members.

Directing the organization in charge of elections and removal from office is very important. Looking at the regulations laid down in the draft, I think that those regarding the position of the elections commission are not clear enough. Generally speaking, this commission is a permanent organization, different from the temporary arrangements of the past. The previous arrangement was an Office of Election Affairs with the Minister of the Interior as its head. This organization also determined the system of committee members, who included among their number people from every party.

In what way does the proposed commission differ from the temporary committees organized in the past? I think that organizationally the regulations should be made even clearer as to whether the present committee is actually temporary or permanent according to the clauses. To have a permanent organization to handle elections and removal from office is not bad at all. The main thing is that it must be clearly established in the clauses as a permanent organization. If it is a permanent organization, then what kind of system of permanent organization is it — one that operates under the auspices of the Executive Yuan? Or one that is independent of the Executive Yuan? If it is a permanent organization operating under the Executive Yuan, what kind of relationship does it have with the Ministry of the Interior? Looking at the draft, none of these

points are made clear enough. It is very important what kind of relationship this organization has with the Executive Yuan and the Ministry of the Interior, especially as regards direction and supervision. I hope that this organization will definitely be extremely fair and just, possessing the quality of impartiality. If it is going to be under the Executive Yuan, then that must be clearly written into this law. But Clause Eight of this draft only rules that the members of the central elections commission are appointed by the President upon the request of the Executive Yuan . . . , and it is not clearly written down in the regulations whether it is established under the jurisdiction of the Executive Yuan or not. Taking this as a permanent organization, if it is established under the Executive Yuan, that may involve coming under the Executive Yuan's organizational regulations. In that case, it must be wholly revised. If it is independent from the Executive Yuan, then this will involve coming under the organizational regulations of the President's office. Looking at the present draft, there is absolutely no way of knowing how it will be organized. Apart from this, regarding the art of passing laws, it isn't necessary for the new draft to rule that the committee members are appointed by the president, and so on. We can see that in the organizational regulations of the Executive Yuan and in those of the Ministry of the Interior, it is only ruled that those people and ranks which belong to their respective units are under their control and administration, and those staff allotted to them must be subject to appointment by the president. It is not necessary to add another regulation to this effect, since the president's powers of appointment are already in the constitution.

Also, the members of the elections commission are appointed by the president upon the request of the head of the Executive Yuan; since the head of the Executive Yuan requests them, then it seems that there is no kind of direct connection with the Ministry of the Interior. Let us hope that when the Legislative Yuan examines this, it will make clear the legal position and the organization of this commission. Looking at another aspect, the new draft has ruled how the commission is controlled, however. Clause Ten of the draft spells out the control of the commission very clearly, in order, item by item. But when we talk of control it must be paired with organization. For example, an organization is divided into units. Every unit must be controlled. Therefore, regulations must be laid down to pair control with organization, just as in the organizational regulations of the Ministry of the Interior, it is laid down what the Civil Administration Office is in charge of, what the Census Bureau is in charge of, and so on. This is all organization paired with regulations. The new draft on election law only regulates control, and doesn't include any regulations on organization. I don't think that this is very good pairing up.

Clause Eight, Item One of the draft explains the organization of the Commission in this way: "The organization of the central elections commission is drawn up by the Executive Yuan and presented to the president, who makes the final decision." In other words, the future organization will be decided by the orders of the state administration. As said just now, organization and control should be linked together. They are

two sides of the same coin. To separate organization and control now, one to be decided by the orders of the State administration and the other by law, is absolutely incompatible with the principles of law.

I advocate that regulations on organization should also be included in the main body of law, just as in the past, some laws concerning self-governing areas included regulations on both organization and control. Why should the new draft do this? My guess is that regulations on control cannot but be included in the law, since many later clauses involve control, but they also unintentionally bring in organization. Because this is law, if something has been put in, it cannot be tampered with at will. To have organization decided by the state administration is to drop a hint that in the future the circumstances may change at any time. Organization should be fixed, it cannot be frequently changing. So I earnestly hope that the legislators will pay special attention to this point.

Election Commissioners' Qualifications

As to the qualifications for the commission members, how they should be decided upon and also what kind of people should become commission members, all this depends on what kind of commission we are hoping for. If the commission we are hoping for is to be very impartial, then the commissioners themselves must have the capacity to be impartial, and be just in their conduct. To be called impartial, it must be independent from the influence of parties, as is the Examinations Board, whose qualifications for its members are clearly written down in the regulations.

If we want the members of the elections commission to stand impartially outside the influence of the parties, I think that the best way is to incorporate each and every one of the necessary qualifications into the election law. The necessary qualifications must emphasize conditions of active preparedness for the job, such as learning, experience, political party background and so on, and a certain number of each type of person can be specified. The qualifications of our Judges are decided by classifications. For the Examination Yuan members, like judges, there are not only regulations on special qualifications, but they must also be approved by the Control Yuan, to let the Control Yuan members investigate one more time whether or not they are capable of taking on the responsibility of the job. Of course the elections commission members should not necessarily have to be approved by the Control Yuan. However, if the regulations on qualifications can be drawn up very carefully so that the commissioners who direct election affairs and their supervision will be genuinely impartial people, representatives of their society, with learning and experience — only thus can the elections be genuinely fair, impartial, and open.

Minimize Campaign Restraints

Recently many gentlemen have already been talking about campaign restrictions. This draft seems to be extremely frightened that the election activities will be too heated, and will lead to social instability. But the nature of elections is competition, and competition will inevitably be heated. What's

Politics should be led into the open, where it can follow a true democratic path. We must not apply so many restrictions that political activities are driven underground, where they become vehicles for unswerving hatred.

more, the nature of elections is to be a competitive activity linked together with the masses. If you want to hold elections, then it's impossible to avoid this kind of activity, otherwise not only will it be very difficult to hold them properly, but also the basic significance of elections will be lost.

My personal opinion is that there should not be many restrictions on campaign activities, and that the people's interest and active participation in them should be developed more. However, the government may strictly control and punish illegal activities according to all the criminal laws. That is to say, use strict execution of the [normal] laws instead of putting [special] restrictions on election activities. Our Penal Code has long had regulations on crimes that endanger the public, crimes that disrupt order, the crime of slander and so on, and these can be applied at any time. As well as these we also have very many special laws, such as the regulations on purging Communist spies, punishing rebellions and so on. The government need only apply these laws strictly during election times to be unafraid of illegal activities. Why must excessive restraints be put into election law? Excessive restraints are often impossible to carry out, so what's the use of that? If these restrictions cannot be carried out, why not strengthen the execution of all the penal

Elections have been taking place for many years now, and the educational function of government-run political meetings has gradually been lost.

laws and regulations and special laws instead — wouldn't that be even better, killing two birds with one stone? Measuring the new draft's restrictions of campaign activities by this standard, I think that although some of it is better than the previous ones, some of it is a little worse, and has gone backwards in fact. Whether this is due to the influence of the recent violent political [Kaohsiung] incident is impossible to say.

Compared to the last draft, the new draft gets rid of such hollow regulations as: opinions cannot go against the constitution, and so on, and this is progress. But on the other hand, the part which falls the most behind the previous drafts is that which divides the holding of political meetings into "publicly run" ones and "privately run" ones. What's more, it limits the privately run ones to being held first and the publicly [government] run ones to being held after that, with the number of days for the public ones not exceeding that of the private ones. Dividing the regulated fifteen day period of activities, if the privately run meetings are held for eight days and the publicly run ones for seven, after the period for privately run meetings is over, you cannot organize open speeches or other such activities. . . .

Basically elections are meant to have individuals hold their own campaign activities, and meetings to express political opinions are supposed to be run by the candidates themselves. Publicly run ones are only in the nature of aid from the sidelines. If the content of privately run meetings is not against the law, why shouldn't meetings be allowed to be privately run instead of having to be publicly run? Political speeches which are publicly run have time restrictions and also location

restrictions. The locations where publicly run political meetings are held are not necessarily places where a candidate may expect to gain many votes. Why have him waste his time? Wouldn't it be reasonable to allow a candidate to devote his time to making speeches and campaigning in areas where he stands to gain votes? What's more, with publicly run meetings a candidate cannot have too much leeway in campaigning, since for example, all the publicity arrangements are set up by government functionaries. Privately run meetings on the contrary, can develop each individual's talents to the fullest extent. Such things as the way in which the speech platform is arranged can all show creativity and attract voters.

The regulation which is the least satisfactory to people is that of putting the publicly run meetings after the privately run ones. This means that just when the campaign activities have got to the most critical point, they're stopped in their tracks, forcing people to attend publicly run meetings. Of course the reasoning behind this may be fear that as the election period continues the speeches will get more and more heated, and lots of problems will come up. But this method is actually self-defeating. An election race is no different from a regular race. Everyone starts off about the same at the beginning; the whole thing depends on making a sprint when one is nearly at the finish line, saving one's best till last, and that decides who wins and who loses. Now, just when you're about to make the sprint, you're forced to stop. You can't brake all of a sudden, and the car may crash, or if you can't brake you may continue to rush on, and then there's a collision. Thus the limitations of this law are that it is difficult to abide by and to enforce.

According to Clause Ninety-five of the new draft, if a candidate doesn't attend the publicly run political meetings in person, or if he sets up privately run political meetings during the period of public ones disregarding the restrictions, then he is liable to up to two years imprisonment. I think that this kind of penal law is not on very safe ground. It goes against the principle of the right of non-participation (*p'ao-ch'i*) and also the principle of freedom of speech which is protected under the constitution.

My personal opinion is that public and privately run meetings should not be divided into two periods. The previous drafts said that you must attend the publicly run meetings, and if you didn't, you couldn't set up any other campaign activities. This regulation was originally criticized, but it's still better than the present draft. In fact it's worth considering whether publicly run political meetings should be held at all. When we were just starting to have local autonomy, the people didn't really understand election activities and regulations, so elections were run by public employees to let the people get used to them slowly. Elections have been taking place for many years now, and the educational function of publicly run political meetings has gradually been lost. At the present time if they still want to run them, it would be better to maintain the old method as before, that is: the publicly run and privately run meetings should take place together, and certainly not be divided into two periods. At the very most the campaign activities should be brought to an end a little earlier before election day, to give the voters a quiet period for reflection, and that would be enough.

Permit Joint Campaigns

Aside from political meetings, the new draft also puts very rigid limits on every kind of campaign activity that candidates may run. After the last draft was announced, many people earnestly appealed against it because of similar restrictions. They thought that as long as the candidates did not engage in any illegal campaign activities, it was not necessary to put any

more items and boundaries limiting activities into the election law. Our constitution protects freedom of speech and of personal activities; particularly during the "democratic vacation" of elections, they must be tolerated and protected even more. You can't turn around and increase restrictions; that cannot be called a democratic vacation. An election race must have constant activities, it must have speeches and criticisms, it must have arguments and use every kind of method to really get through to the voters. Candidates should be allowed to develop their campaigning abilities to the full at this time, and also allow the people to have a fair choice. Only thus can a democratic spirit truly develop.

Clause Forty-seven of the new draft limits the items of campaign activities to the following six kinds: One, organizing meetings to express political opinions. Two, printing and distributing election bulletins. Three, printing and distributing name cards or leaflets. Four, putting up slogans. Five, using propaganda cars and loudspeakers. Six, visiting voters in the electoral districts. Apart from the above six items, all other activities are prohibited. If this is not abided by, a fine of up to ten thousand *yuan* can be levied. According to the regulations of Clause Forty-seven, the candidates cannot put advertisements in the newspapers, or use television to express their opinions.

Ordinary people can usually put advertisements in the newspapers and on television, and one can set up a roadside stall anywhere and cry its wares — as long as the material is not illegal then it is all right—but yet a candidate at election time is not allowed to do so. I feel that this unavoidably strays some distance from the constitution, which protects the freedom of speech and of personal activities. As to the use of cars in campaigning, this is regulated in very great detail in the draft. This is a very small matter, and if it needs to be regulated it would be better to do so in the detailed regulations. The present regulations are that each candidate must not exceed eight cars

Money is contaminating Taiwan's local self-government to a very great extent.

(Provinces and cities cannot exceed four cars, towns cannot exceed two). Why not just let the candidates themselves decide on the number of cars? If they impede the traffic, then they can be punished according to the rules and regulations on impeding the traffic.

Furthermore, according to Clause Fifty-one of the new draft, name cards or leaflets printed and distributed by the candidates must have the name and address of the printing factory printed on them. If this is not done, they will be punished. Let's consider this: name cards only have a name printed on them; it's really much too restrictive to have to include the printing factory's name and address as well, and gives people the impression that they are all going to be jointly punished. If a regulation is absolutely necessary, it could also be put in the detailed regulations. Why does it have to be put into the main body of law?

Item Six concerning activities concerns "visiting the voters in the electoral districts." According to this rule, activities to explain elections must be restricted to the district where the [candidate's own] election is being held; no visits can be made to other districts. In other words, this kind of election does not permit the possibility of candidates campaigning together. Candidates campaigning together is quite normal in most democratic countries; not only do the people's representatives from the same party give each other support, the president also often helps at elections throughout the country, supporting his party's candidates. I feel that it isn't necessary to restrict this. If a candidate goes to another electoral district to help an ally campaign and if this interferes with his own campaigning time, then that's his own loss, and he should be allowed to weigh for himself the gain and loss involved. Political development will slowly achieve a consensus of ideas and demands. We must lead it out into the open to make it follow the correct democratic path, and not put too many restrictions on it which would make it go underground and become a force of angry unswerving hatred. I feel that joint campaign activities are in accord with the spirit of democratic development as long as they don't break the law, and no restrictions on them are necessary in the elections law.

The Right to Appeal Convictions

Concerning outsiders giving money to support campaign activities, the new draft lays down the following punishment in Clause Eighty-seven: "Those engaged in campaign activities who accept financial support from foreign groups, whether given officially or by individuals, are liable to imprisonment for one to seven years." This is a rather emotional clause. My personal opinion is that if we accept financial support from outsiders to engage in illegal activities, then of course this must be punished according to the law. If the outsider's contribution is made with good intent, and the recipient uses it in legal activities with good intent, then how can he be punished?

There is a basic principle in criminal law to the effect that a person is not subject to criminal sanctions unless he had evil intent. In the case of an ordinary contribution made with good intent, even if it does come from an outsider, if it is not prohibited by the National Civil Penal Code it is simply a



An election law which deprives the public of its voice. (A wall poster.)

The Chinese term for law is "fa." However, the word "fa" does not necessarily connote protection for the public and limitations on otherwise arbitrary government. Rather, *fa* is seen as an instrument by which hegemonic rules (*ba*) can control their subjects. Such a ruler is depicted above holding the "new elections *ba-fa*." The citizen's response is: "We do not have a chance."

perfectly legal contribution. Such contributions are often made between countries; the government has received American aid in the past and makes contributions to African countries. As long as there is no evil intent to interfere in domestic politics, then it isn't offending against the Penal Code. Making contributions is allowed under Civil Law. If merely accepting some kind of financial contribution is punishable by up to seven years in prison, with no distinction in the new draft between good and evil intent and whether or not the use the money is put to is legal, and if one must just accept this and be punished, then this is an unclear and indefinite law, according to everything in modern penal law. In the case of a vague law like this, it would be better to rescind it, or at least to rule clearly and definitely as to whether it is to be applied to interference in domestic politics, illegal activities, and so on. For example, if it counts as a crime to take outsiders' money, then there is a problem about the many exchange activities between countries, cultural, economic and academic; and doesn't the government's acceptance of foreign aid also become a crime?

The last point concerns election suits. I hope that [people convicted by the elections tribunal of campaign violations] can be allowed a retrial to bring them to conclusion. The judicial right to receive this benefit is protected under the constitution, which says that all cases can be tried up to three times. Elections are carried out by state authorities; they are different from cases involving ordinary private rights, which can be appealed up to three times. Many people feel that it is extremely unreasonable that the new draft still contains the rule that election cases can only be tried once. The head of the government said in the Legislative Yuan recently that the new draft provided for a retrial, and he went on to say that the regulations on a retrial were very broad, that the Civil Law of Procedure has a series of thirteen items, and so on. However, anyone with the slightest knowledge of legal procedure understands very well that a retrial is an even newer kind of legal procedure, different from the normal appeals procedure. Clause Four hundred and ninety-six of the Law of Civil Procedure sets out thirteen items, all of which are very strict. There are not many occasions where they can be applied, and in general it's not easy at all to apply for a retrial. I feel very strongly that it is wrong to use this kind of difficult and irregular legal procedure instead of the regular appeals procedure of a second or third trial.

Campaign Financing

Lastly, I want to particularly stress that money is contaminating Taiwan's local self-government to a very great extent. Precautionary measures and restrictions should be increased, yet the new draft has none of the necessary restrictive regulations. Nowadays in Western democratic countries such as America, the presidential elections are completely at government expense, and the primaries are half at government

Candidates should be allowed to fully develop their campaigns, thus giving the people a fair choice. Only thus can a democratic spirit truly develop.

Appeal to Peking

In January, the Society for the Protection of East Asians' Human Rights joined in two appeals on behalf of the rights of Jiang Qing and others on trial in China. SPEAHR and the California-based Chinese Human Rights Society sent the following cable to Premier Zhao Ziyang.

YOUR EXCELLENCY:

OUR TWO NON-PARTISAN HUMAN RIGHTS ORGANIZATIONS WISH TO CONGRATULATE YOUR GOVERNMENT FOR THE PROGRESS MADE IN RECENT YEARS IN DEVELOPING THE RULE OF LAW AND ESTABLISHING FAIRER AND MORE OPEN TRIALS. HOWEVER, WE NOTE WITH CONCERN THAT THE TRIAL OF JIANG QING AND HER CO-DEFENDANTS WAS NOT OPEN TO THE GENERAL PUBLIC. IN KEEPING WITH THE SPIRIT OF ARTICLE 10 OF THE UNITED NATION'S UNIVERSAL DECLARATION OF HUMAN RIGHTS, WE URGE THAT THE FULL AND COMPLETE RECORD OF THE PROCEEDINGS BE MADE PUBLIC, SO THAT THE WORLD CAN DETERMINE THE FAIRNESS OF THE TRIAL.

SPEAHR also joined in a petition sponsored by the Paris-based Mouvement de Liberation des Femmes. The appeal specifically urged that the testimony of Jiang Qing be made public, and that threats to execute her not be carried out.

expense. The amount of money that can be used has a fixed limit, and there is also a limit to the amount of funds that can be raised. If that kind of capitalist country has already reached the point of having elections completely at government expense or half at government expense, we ought to be able to do likewise. Today our government certainly isn't penniless. There's nothing to stop it from adding a regulation to the new draft to provide an even more progressive elections system at public expense, so that people with not too much money can also take part in legal elections, so that everyone can make the best of his ability. Also, privately raised funds should be openly declared. It must be ruled that contributions cannot exceed a certain amount, to prevent any wealthy group from manipulating the elections. As for election expenses, the accounts must all be made public, and the system of proof of investigation must have sound regulations. Even if the system of checking the national accounts cannot be perfect, it is still much better than having no system at all.

I think that when the Legislative Yuan is examining the matter, they should further refine our elections system.

From *Chung-kuo lun-t'an* (China Forum), vol. 9, no. 11 (1980).

For a complete translation of the text of the elections law, see the Taiwan section of *Constitutions of the Countries of the World* (edited by Blaustein and Flanz), 1981 revision.

LEGEND

† This symbol indicates that our source is a broadcast transcript. Before the † will appear the location of broadcasting station, and the date of origin. "Date of origin" means the date of the original report, which in some cases will be the date the report was first published (as in a newspaper), rather than date of broadcast. If different, the FBIS date follows the †. (U.S. Foreign Broadcast Informa-

tion Service, *Daily Report*). FBIS volume number (I, in the case of the People's Republic of China) is omitted if obvious. Years are not indicated except for items more than 9 months old. Broadcast dates are Greenwich Mean Time.

[] A two-digit number in brackets indicates the relevant article of the U.N.'s Universal Declaration of Human Rights (1948). See page 2.

A April
a August
AFP Agence France Presse
AH Anhui Province
AW *Asiaweek*
BJ Beijing (Greater Peking)
BR *Beijing Review*
C China, People's Republic of
c circa
D December
F February
FEER *Far Eastern Economic Review*
FJ Fujian Province
GD Guangdong Province
GM *Guangming Daily*
GS Gansu Province
GX Guangxi (Zhuang) Autonomous Region
GZ Guizhou Province
HB Hubei Province
HEB Hebei Province
HEN Henan Province
HK Hong Kong
HL Heilongjiang Province
HN Hunan Province
I January
J June
j July
JL Jilin Province
JP Japan

JR U.S. Joint Publications Research Service (final digits of document number)
JS Jiangsu Province
JX Jiangxi Province
K Kyodo
LN Liaoning Province
M March
m may
MPR Mongolian People's Republic
N November
NK North Korea
NM Nei Monggol (Inner Mongolia) Autonomous Region
NX Ningxia (Hui) Autonomous Region
NYT *New York Times*
o October
PD *People's Daily*
PRC People's Republic of China
QH Qinghai Province
R Reuters
S September
SC Sichuan Province
SD Shandong Province
SH Greater Shanghai
Sh *SPEAHRhead*
SK South Korea
SN Shaanxi (Shensi) Province
SX Shanxi (Shansi) Province

T Tibet (Xizang Autonomous Region)
TJ Tianjin (Greater Tientsin)
TK Tokyo
TW Taiwan (Republic of China)
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XJ Xinjiang (Uygur) Autonomous Region
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Special Issue: TAIWAN INSIDE:

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appeal to Peking (30)

Coming in June: The next issue of *SPEAHRhead* will contain the customary mix of articles and materials concerning human rights problems in the People's Republic of China and other parts of East Asia. It will also contain an expanded "Crossreference" section (omitted from the present issue due to the length of the Kaohsiung Tapes transcript).

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FIRST CLASS MAIL

Chinese Democratic Movement

The Chinese Democratic Movement Resource Centre has begun publishing *Monthly Bulletin on the Chinese Democratic Movement*. The January issue (vol. 1, no. 1) contained a review of major developments relating to the democratic movement in the People's Republic of China from 1978 to 1980, a review of recent elections procedures, a discussion of the Fu Yuehua and Liu Qing cases, a list of unofficial journals, and news briefs about arrests, etc.

The English version costs HK\$1.50 per issue, and is available from the center at P.O. Box 89278, Kowloon City Post Office, Hong Kong.

The *Bulletin* is also published in Chinese (with somewhat longer, more detailed articles).

Taiwan Communiqué

Those interested in the problem of human rights on Taiwan will want to read *Taiwan Communiqué*, published by the International Committee for Human Rights on Taiwan (P.O. Box 5205, Seattle WA 98105 USA, \$10 per year US/\$18 foreign air mail).

Contents of January issue:

- Who Murdered Lin Yi-hsiung's Family?
- A Return to Closed Trials
- Prison Report
- Atomic Power Development
- Report on the Election
- The Dutch Submarines
- On Ray S. Cline
- Recent Political Arrests

Special Supplement

The Kaohsiung Prisoners Today

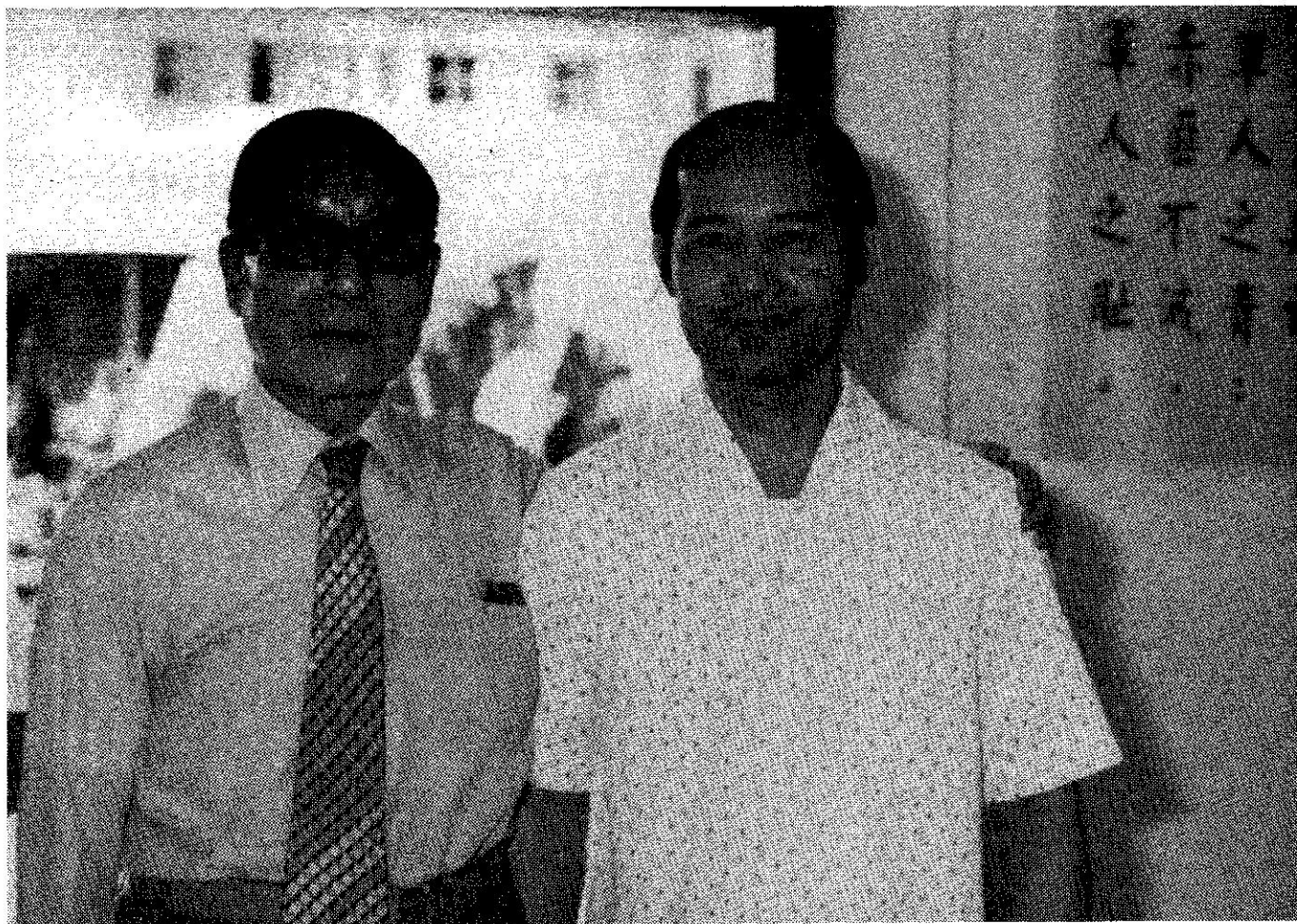
Some of Taiwan's political prisoners are receiving better treatment than others. Enjoying relatively good conditions are most of the "Kaohsiung Eight" and Presbyterian leader Kao Chun-ming. Such people have been visited by the semi-official Chinese Association for Human rights, which has released these photographs. Except for the two women (who are in Tucheng Prison), these prisoners are in Chingmei near Taipei.

Unfortunately, the story of many other political prisoners is quite different. Shih Ming-teh is serving his life sentence in solitary confinement on Green Island. In even worse condition are the many political inmates in Turtle Mountain Prison. (See last page of this supplement.)



National Legislator Huang Hsin-chieh, taking his exercise.





Critics have complained that these photographs were staged by the authorities. At any rate, it is probable that only those photographs were released that showed the prisoners appearing relatively content.

Top left: Provincial legislator Lin Yi-hsiung. Although he seems well in this photograph, we have learned from our own sources that he is in poor mental health. This is doubtless a reaction to the politically-inspired murders of his mother and daughters. (See *SPEAHRhead* nos. 6/7, pages 28-29.)

Left: Lawyer Yao Chia-wen, being gestured to by Dr. Han Lih-wu (both seated). On Yao, see above, pages 4-6.

Above: Presbyterian Church head Kao Chun-ming, with Han Lih-wu. Reverend Kao is serving a seven-year sentence for his alleged involvement in hiding dissident Shih Ming-teh before the latter's capture. (See *SPEAHRhead* 6/7, p. 6.)

All the men on these pages are being held in the military prison at Chingmei. The inscription behind Rev. Kao reads: "The welfare of China depends on the soldiers; if the red bandits are not annihilated, it will be the soldiers' shame."

Right: SPEAHR (International) Board member Ch'en Chu and Harvard-educated legal scholar Lu Hsiu-lien. We have recently been told that the physical condition of the two is deteriorating due to lack of exercise. They are allowed only one hour of recreation per week, in an area twenty feet square. They are having difficulty controlling their weight, and Ch'en Chu suffers from chest pains. (The address of the women is: Taiwan Experimental Institute for Production Education (Tu-cheng), Pan-chiao, Taipei County, Taiwan, Republic of China.)



Grim News from Turtle Mountain

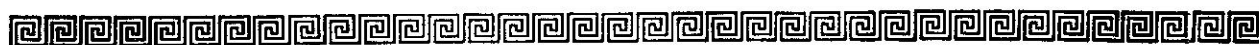
We have received information concerning the condition of many of the men who were imprisoned in the wake of the Kaohsiung Incident. This information comes to us from sources which we have found reliable in the past, but we cannot vouch for the accuracy of every detail.

Twenty-five of the prisoners have been held in Turtle Mountain (Kuoi-shan) Prison since January 6, 1981. These are all people who were tried in civil court in May 1980 as part of the group of thirty-three. (The "Kaohsiung Eight" were tried in military court.)

None of the other two thousand inmates in Turtle Mountain Prison are forced to endure the extraordinary treatment that these 25 are given. Each is held in solitary confinement. Except for Bibles and dictionaries, no books are allowed. (Some people are allowed to read Taiwan's government-controlled newspapers.) They may briefly see, but not retain, photographs of family members. No exercise or activities (such as handicrafts) are permitted. The lack of activity and human contact adds up to a kind of sensory deprivation that is a form of psychological torture. One prisoner is reported to have complained, "Every day is like a year." Many are reported in danger of losing their sanity.

In addition, some of the prisoners are suffering from the aftereffects of physical torture. They do receive some medical attention, but it is not known how adequate this is. Twenty-four of the 25 are reported to be ill. Among the prisoners who are reported to be in the worst condition are Chiu Chui-chen and Chang Fu-chung (both in poor mental condition) and Chi Wan-sheng (still suffering as the result of having been tortured).

Some of the news is not quite so bad. The physical plant of the prison is good by Taiwan standards, and the guards are relatively kind. The food is described as "not too bad." Relatives and friends may visit once a week for a total of thirty minutes--the only time a prisoner is permitted to leave his cell. (However, visitors may subsequently be followed and harassed by police.) Prisoners are allowed to write one letter a week, and may receive letters --including from overseas. (The address is 2-23 Hung-teh New Village, Kuei-shan, Tao-yuan County, Taiwan, Republic of China.)



CORRECTIONS TO TRANSCRIPT: At two points in the transcript of the tape recordings of the Kaohsiung Incident we have perhaps misleadingly identified speakers as "voices from the crowd." The rather aggressive exclamations on page 16 (right center) and page 25 (right top) are of unknown origin. They could have been spoken either by civilians or by police.